

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW**

**Original Application No.226/2008
This, the 24th day of June 2008**

HON'BLE MR. JUSTICE KHEM KARAN , VICE CHAIRMAN

Suresh Kerketa, aged about 55 years, son of Late G. Kerketa, resident of Railway Banglow No. 'C" and W.R.-8, Near Langra Fatak, Alambagh, Lucknow.

Applicant.

By Advocate:- Shri R.K. Misra.

Versus.

1. Union of India, through Secretary, Ministry of Railway, New Delhi.
2. Chief Mechanical Engineer, Baroda House, Railway Head Quarter, Alambagh, New Delhi.
3. Chief Workshop Manager, C&W Shop, North Railway, Alambagh, Lucknow.
4. Smt. Shanti Kachap, C&W Shop, North Railway, Alambagh, Lucknow.

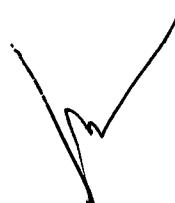
... Respondents.

By Advocate:- Shri N.K. Agrawal for R- 1 to 3.

ORDER (Oral)

BY MR. MR. JUSTICE KHEM KARAN , VICE CHAIRMAN.

Shri R.K. Misra, appears for the applicant and Shri N.K. Agrawal, for the respondents no. 1 to 3.



2. This petition has been presented today. According to Shri Misra, it is an urgent matter and so should be taken up for orders. Since the petition is directed against the transfer order so there is no doubt that it is an urgent matter.

3. I have heard Shri Misra and Shri Agrawal. The applicant is challenging his transfer order Dt. 12.06.2008 by which he is being transferred from the post of Chief Office Superintendent, Paint Shop to SMDC vice Smt. Shanti Kachap. One of his contention is that the transfer in question is penal in nature as the post which he is holding at present is that of Chief Office Superintendent and the post to which he is being shifted is of the Cadre of O.S. Grade-I. His second contention is that he has had been suffering from Neuro-depression for the last three years and is under treatment of Dr. Atul Agrawal and his shifting to another desk or place may put him to lot of inconvenience in the working. Attempt has also been made to say that the applicant may find it difficult to cope with the duties of the new post. He says, that on coming to know that he may be transferred, he apprised the O.P.No.3 of his difficulties by giving a representation dt. 08.06.2008 (Annexure-3) but ignoring the same, the impugned order has been passed.

4. Shri Agrawal has stated that this is not a fit case for interference of this Tribunal and if deemed proper, applicant may be given a liberty to make a fresh representation to Respondent No.3 for considering the matter relating to his transfer. I think the O.A. can be finally disposed of with suitable directions to the Respondent No.3, to consider the representation of the applicant.

There is no point in keeping this O.A. pending here.

A handwritten signature in black ink, appearing to read "S. K. Agrawal".

5. So, the OA is disposed of with a liberty to the applicant to give a fresh representation to the respondent No.3, ^{with a copy of this order} within a period of 10 days from today and thereupon the Respondent No.3 will consider and dispose of the same by passing a speaking order, within a period of 15 days from the date of receipt of the said representation. In case, Smt. Shanti Kachap has not joined in place of the applicant, pursuant to the orders in question, the applicant should not be forced to join at the transferred place till such representation is so disposed of. No order as to costs.

*Amrit
24-6-08*
(KHEM KARAN)
VICE CHAIRMAN

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