

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.24/2010

This the 15th day of January, 2010.

Hon'ble Ms. Sadhna Srivastava, Member (J)

B.K. Srivastava, aged about 55 years, S/o Late Sri Ram Chandra Srivastava, R/o 448-B, Ram Janki Nagar, District Gorakhpur.

.....Applicant

By Advocate: Sri D.N. Shukla.

Versus.

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, (Ka), North Eastern Railway, Lucknow.
3. Station Manager, Gorakhpur Junction, Gorakhpur.
4. Mandal Mantri, North Eastern Railway, Lucknow Junction, Lucknow.

.....Respondents

By Advocate: Shri N.K. Agrawal.

ORDER (Oral)

By Ms. Sadhna Srivastava, Member-J

The subject matter is transfer.

2. The applicant is aggrieved by order dt.6.11.2009 passed by Respondent No.2 whereby he has been transferred from the post of CTTI, Gorakhpur to Gonda on the same post on administrative ground. The transfer order has been challenged on the ground that the same has been passed under political pressure. Aggrieved by the aforesaid transfer the applicant filed a representation before the Respondent No.2 which is still pending. Therefore, at this stage the applicant's request is that his representation made be decided by the respondents.
3. Shri N.K. Agrawal, learned counsel for the respondents raises a preliminary objection that the application is Pre-mature as the



applicant filed the representation on 03.12.2009 and instant OA has been filed on 14.01.2010 before expiry of 6 months therefore, in view of Section-20 of Administrative Tribunal Act, 1985 the OA is Premature and liable to be dismissed on this ground alone. He further submitted that transfer is an incident of service and since the applicant is holding a transferable post therefore, the transfer order passed on administrative ground is legal and the OA is liable to be dismissed.

4. The representation filed by the applicant as contained in Annexure-6 is still pending. Therefore, the OA is disposed of with a direction to the Respondent No.2 to decide the same within 10 days from the date of receipt of the certified copy of this order. The counsel for applicant submits that the applicant is not yet been relieved by the respondents therefore, his prayer is that the transfer order be stayed.

5. After hearing counsel for the parties, the Respondent No.2 is directed to maintain the status-quo as on toady till disposal of representation.

6. The OA is accordingly disposed of without any order as to costs.

7. Copy of this order be given to the parties today.


(Ms. Sadhna Srivastava)
Member-J

Amit/-