

Central Administrative Tribunal, Lko Bench, Lucknow  
Original Application No. 333/2003  
this the 18th day of July, 2003

HON'BLE MR. A.K. MISRA, AM

D.N. Singh aged about 48 years son of Sri Rama  
Shanker Singh, r/o Village Chaura, Post office Garwara,  
District Pratapgarh.

....Applicant

By Advocate; Sri Subodh Kumar Dixit

Versus

1. Union of India through the Secretary, Ministry of Railways, Govt. of India, New Delhi.
2. Divisional Railway Manager, NR, Divisional Office, Lucknow.
3. Sr. Divisional Personnel Officer, NR, Divisional office, Lucknow.
4. Sr. Divisional Signal Telegram Engineer (SR. DSTE), NR, Divisional Office, Lucknow.

..Respondents

By advocate: Sri Praveen Kumar B/h for Sri M.K. Singh

MR. A.K. MISRA, AM MR. A.K. MISRA, AM

ORDER (ORAL)

The relief claimed in this O.A. is for setting aside the impugned order dated 30<sup>th</sup> May, 2003 as contained in Annexure No. 1 to this O.A. Further prayer is for allowing the applicant to work on the post of Sr. Section Engineer (Sig./SLN) as per order dated 26.3.2003 and for payment of salary to the applicant on regular basis.

2. Learned counsel for the parties have been heard.
3. Briefly stated the facts are that by the impugned transfer order dated 26th March, 2003, the applicant <sup>who</sup> was working as Sr. Section Engineer (SIG/SLN) was posted in place of one Sri H.L. Suman <sup>as</sup> Sr. Section Engineer (SIG/SLN). Sri Suman, in <sup>whose</sup> place the applicant was posted, was transferred

and posted as Sr. Section Engineer (Sig./Overhauling) in the Head quarters Office at Sultanpur. In pursuance of this transfer order, the applicant took charge on 29th March, 2003 (Annexure No.2). Thereafter, by the impugned order of 30th May, 2003 orders of Sri H.L. Suman, posting him as Sr. Section Engineer (Sig./overhauling) in the Headquarters office at Sultanpur, were kept in abeyance and Sri Suman was asled to continue to work as Sr.Section Engineer (sig./SLN) till further orders. Consequent upon the order dated 30.5.2003, whereby Sri Suman was allowed to continue as Sr.Section Engineer (Sig./SLN), no change in the posting order of the applicant was made who had already taken over charge on 29th March, 2003 as Sr. Section Engineer (Sig./SLN) in place of Sri H.L. Suman. Thus the position which emerges is that the applicant and Sri Suman both are as of date working as Sr. Section Engineers (Sig./SLN), the applicant having joined on the said post on 29th March, 2003 and orders of Sri Suman having been kept in abeyance by the impugned order dated 30.5.2003.

4. On behalf of the applicant it was submitted that he has already made a representation dated 7th June, 2003 to the Divisional Railway Manager, NR, Lucknow (Annexure No. 4 to the O.A.) which has not yet been decided. His representations dated 4.6.2003, 12.6.2003, 20.6.2003 are also pending. It is further submitted that he has also not been getting salary since the month of June, 2003.

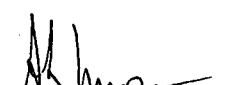
5. Learned counsel for the respondents fairly admitted that the representations of the applicant are pending and further that in consequence of the impugned order dated 30.5.2003, no change in the posting order of the applicant has been made. As a



result Sri Suman as well as applicant are working on the same post.

6. Having heard counsel for the parties, I dispose of this O.A. with the directions to the respondents that in the first place salary of the applicant be paid from the month of June <sup>2003</sup> and shall regularly be paid from the month of July <sup>2003</sup> along with normal allowances. Further it is also directed that the applicant shall be allowed to work as Sr. Section Engineer (sig./SLN) till the representations of the applicant as per Annexure 4,5,6 and 7 are decided. The applicant shall enclose a copy of the representations along with this order to enable the respondent to take a decision on his representations. Representations of the applicant shall be decided within a period of two months from the date of receipt of this order. The applicant would be at liberty to approach this Tribunal again, in case his grievance ~~is~~ continues, if so advised.

7. The O.A. is disposed of as above without any order as to costs.

  
MEMBER (A)

LUCKNOW:DATED: 18.7.2003

HLS/-