

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.301/2008

This the 29th day of August 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Mohd. Ishtiyaq Khan, aged about 55 years, S/o Late Mohd. Ilhaq Khan, R/o C-65, Abrar Nagar, Kalyanpur, Lucknow.

...Applicant.

By Advocate: Shri A.K. Chaturvadi.

Versus.

1. Union of India through the General Manager, Northern Railway, Headquarters office, Baroda House, New Delhi.
2. Financial Advisor & Chief Accounts Officer, Northern Railway, Headquarters office, Baroda House, New Delhi.
3. Senior Divisional Finance Manager, Northern Railway, Lucknow Division, Lucknow.

... Respondents.

By Advocate: Shri S. Lawania.

ORDER (Oral)

BY MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard both sides.

2. The applicant has filed OA with a prayer to quash the order Dt. 28.07.2008 (Ann.-A-1), as far as it relates to the applicant from which, he has been transferred from Expenditure Section, i.e. a



sensitive section to the seat of CO-6 in the ENG Section, i.e. a non sensitive seat. It is the case of the applicant that by virtue of transfer, he has been posted in the place of V.P. Singh, who has been working in the accounts section though in the same cadre with different duties of his present post. Aggrieved, by such change of duties, he made a representation to the respondent authorities but the same is still pending. It is also the case of the applicant that he has not been relieved and ~~he~~ still continuing in the same post. At this stage, learned counsel for the applicant submits that if a direction ^{is} given to the authorities for consideration of the pending representation (Ann.-12) Dt. 11.08.2008 and for its disposal as per rules, the purpose of OA would be served.

3. The learned counsel for respondents submits that there is no irregularity in transferring the applicant from Expenditure Section, i.e. a sensitive section ^{to} ENG Section, i.e. a non sensitive seat in the place of V.P. Singh, JAA and also opposed for grant of status-quo on the ground that there are no merits in the claim of the applicant. When the representation of the applicant is still pending with the respondent authorities, issuing of any direction to the respondent authorities, allowing the claim of the applicant is not at all justified.

4. In view of the above circumstances and also for fair and just disposal of the matter, OA is disposed of with a direction to the respondents to consider the representation of the applicant dated 11.08.2008 (Annexure-12) and pass reasoned orders ^{as} per the rules within a period of two weeks from the date of the receipt of the certified copy of this order. The applicant is also directed to enclose the copy of his representation dated 11.08.2008 (Annexure-12) along

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with the copy of this order. In the meantime, respondents are directed to maintain status quo as on today, in respect of the transfer of the applicant till the disposal of his representation (Annexure-12).
No order as to costs.


(M. KANTHAIYAH)
MEMBER (J)
2.08.08

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