

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW
BENCH LUCKNOW**

Original Application No: 196/2011

This the 6th day of May, 2011

HON'BLE JUSTICE SHRI ALOK KUMAR SINGH, MEMBER (J)

Madan Gopal, aged about 40 years, son of Late Shri Narayan Deen, resident of Village Puramata Deen Pandit Kalyanpur, Post Nawabganj sugar Factory, district Gonda.

Applicant

By Advocate Shri Aditya Narayan.

Versus

1. Union of India through its Secretary, Ministry of Railways, Government of India New Delhi.
2. Divisional Railway Manger, North-Eastern Railway, Lucknow.
3. Senior Divisional Mechanical Engineer, North-Eastern Raiway, Varanasi.
4. Senior Divisional Mechanical engineer, North Eastern Railway, Chhapra, Bihar.

Respondent

By Advocate Shri D. B. Singh.

Order (Dictated in Open Court)

By Hon'ble Justice Shri Alok Kumar Singh, Member (J)

Heard the learned counsel for the parties.

2. This O.A. has been filed for directing the respondents to transfer /post the applicant to Diesel Shed, Gonda and to decide the pending representations dated 25.4.2007, 30.8.2007, and 4.8.2007 (Annexure 3,4 and 5) in the light of directions contained in Annexure No. 2 which provides that as far as possible, the posting of the employees belonging to SC/ST may be made to their home town or such nearby districts /places where quarters can be arranged by the administration.

3. The learned counsel for the applicant submits that though there is no statutory provisions in any of the relevant rules, but in view of the provision of Article 350 of the Constitution of India,

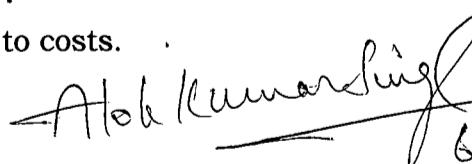


he has a right to move a representation against grievances, if any.

4. The learned counsel for the respondents firstly submits that Union of India through its Secretary, Ministry of Railways is not the relevant party. Instead, the General Manager, N.E. Railway ought to have been made a party. Secondly, he submits that there is no cause of action. The transfer order (Annexure 1) was made on 19.1.2007 which has not been challenged. Further, in compliance thereof, the applicant has already been relieved and joined at the new place of posting i.e. Gonda. Thirdly, he submits that this O.A is highly belated in view of the provision of Section 20 read with section 21 of the Central Administrative Tribunal Act.

5. Concededly, the transfer order has already been acted upon way back in the year 2007 i.e. 4 years before. There does not appear to be statutory provision for making representation after reliving. As far as, Article 350 of the Constitution of India is concerned, it only provides for the language to be used in representation for redressal of grievance. There does not appear to be any cause of action at present. Lastly, this O.A. is highly belated i.e. about four years and as such is time barred. Hence not maintainable in view of Section 21 of the CAT Act.

6. In view of the above, this O.A. is dismissed at this stage without admission. No order as to costs.


Alok Kumar Singh
6.5.11

(Justice Alok Kumar Singh)
Member (J)