

1/29.02.96

Hon'ble Mr. K.D.Saha, Member (A)

Heard the learned counsel for the applicant Mr. N.Dixit. The applicant herein is O.S. Grade-II in the Locoshed at Samastipur, North Eastern Railway. By the impugned order at Annexure-1, dated 14.09.1995, the applicant has been ordered for promotion to the grade of O.S. Grade-IX (scale Rs.2000-3200/-) and posted at Narkatiyaganj. The case of the applicant is that he belongs to Scheduled Caste and his wife is suffering from Chronic Headache with Intermittent Exacerbations, mainly on right side, associated with numbness, ~~hot and cold sensations on right side of body~~ ^{etc} for the last 3 years and she is under treatment and his transfer at this stage will create lots of problems for the applicant and his family. It is further stated that there are four vacancies ⁱⁿ O.S.Gr.I at Samastipur, Locoshed and one employee, namely, Shri K.K.Verma, who is junior to the applicant is accommodated at Samastipur as O.S.Gr.I. The learned counsel submits that the applicant has submitted a representation to the Divisional Rly. Manager, Samastipur, requesting for accommodating him at Samastipur itself on promotion as O.S.Gr.I. A copy of the representation is at Annexure-2. It is submitted that no reply has been given as yet with reference to the abovesaid representation.

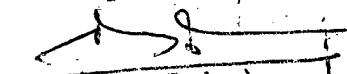
2. Considering the averments on record and the submissions made by the learned counsel for the applicant and the fact that the applicant belongs to SC Community and higher grade posts are stated to be available at Samastipur itself and a person junior to him has been accommodated at Samastipur, I am of the view that this application can be disposed of at this stage by giving a direction to the DRM, Samastipur to consider the representation of the applicant, as at Annexure-2, dated 09.12.95 and pass a reasoned and speaking order.

3. Accordingly, I hereby direct the DRM, Samastipur (Respondent no.2), N.E.Rly., to consider and

dispose of the applicant's representation at Annexure-2, dated 09.12.1995 by a reasoned and speaking order within a period of two months from the date of communication of this order and till that date the applicant should be allowed to continue in his present place of posting.

4. With this observation, the application is disposed of at the admission stage itself.

SKJ


(K.D. Saha)
Member (A)

29/2/96