

1/8.2.1996

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

Heard the learned counsel Shri Kumar

Sushobhan. The applicant herein was initially appointed as Apprentice IOW Grade III on 25.4.1981 in North Frontier Railway and was transferred to ~~NER~~ ^{NERLY} Gorakhpur on 1.1.1984 and was posted in ~~Varanasi~~ Division where he joined on 6.1.1984 as I.O.W. Grade III.

2. It appears, in due course the applicant came to be promoted as I.O.W. Grade II and thereafter as Grade I. At present, he has been working at Siwan Junction with effect from 1.2.1994. The submission of the applicant is that he was subjected to a number of quick transfers, although he has unblemished ~~record~~ ^{career} and he was awarded G.M. Award in 1984, D.R.M. Award in 1990 and D.R.M. Engineering Award in the year 1991. It is stated that by an order as at Annexure-6 dated 25.1.1996 one Shri Abhay Kumar Gupta has been posted in his place and by Annexure-7 dated 31.1.1996, the applicant has ^{been} directed to hand over charge of the post of I.O.W. Grade I (Scale Rs. 2000-3200), the post which he is holding, to Shri Abhay Kumar Gupta on 5.2.1996. It is further submitted that no posting/transfer order has ^{also} been given to the applicant so far.

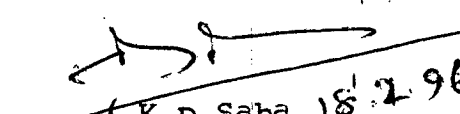
3. The learned counsel submits that the applicant has submitted a representation dated 29.1.1996 addressed to the Divisional Railway Manager, North Eastern Railway, ~~Varanasi~~ in this context, in which

he has prayed for cancellation of the impugned

order of posting of Shri Abhay Kumar Gupta against
which he is holding
the post of I.O.W. Grade I_A. The above said representation
has not yet been disposed of by Respondent No.4 (D.R.M.
N.E.Rly., Varanasi) so far.

4. Considering the submissions of the learned
counsel and after going through the averments made in
the application, I am of the view that this application
can be disposed of by giving a suitable direction to
the Respondent No.4 (D.R.M., N.E.Rly., Varanasi) to
dispose of the above said representation dated 29.1.1996
(Annexure-8) by ^aspeaking and reasoned order. Accordingly,
I hereby direct the Respondent No.4 to consider ^{and dispose of} the
representation as contained at Annexure-8 dated 29.1.1996
by ^aspeaking and reasoned order after giving a personal
hearing to the applicant within a period of one month
from the date of communication of this order.

5. It is submitted that the applicant has not
made over charge as yet to Shri Abhay Kumar Gupta. *It is further*
directed that
2 Status quo should be maintained till the disposal
of the representation of the applicant as at Annexure-8,
by the Respondent No.4. A copy of the order be handed
over to the learned counsel for the applicant. Thereafter
the applicant shall serve a copy of the order on
Respondent No.4 within 3 days. The O.A. is disposed of
accordingly.


(K.D. Saha) 8.2.96
Member (A)