

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.462 of 2005.

Date of order : 29<sup>th</sup> July, 2005

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member [Judicial]

Ajit Kumar ..... Applicant

Vs.

Union of India & Ors. ..... Respondents.

Counsel for the applicant : Shri R.C.Singh

Counsel for the respondents : Shri A.A.Khan, ASC.

O R D E R

By Sadhna Srivastava, Member(J) :-

By means of this O.A., the applicant has challenged the order dated 3<sup>rd</sup>/14<sup>th</sup> June, 2005 through which the applicant has been transferred from the post of Chief Parcel Supervisor, Sasaram to Japala on the post of Booking Supervisor [Annexure-5].

2. The aforesaid relief has been claimed by the applicant on the facts that the applicant belongs to scheduled caste category and there is a circular of Railway Board No.85-E[SCT] 1-43/1 dated 24.12.1985 which provides



that the schedule caste employee cannot be transferred to another place. He should be accommodated to <sup>his</sup> ~~their~~ home station or to the nearest station. It is submitted on behalf of the applicant that Japala is 80 Km. Away from Sasaram and his wife always remains sick. The applicant has got two minor children and there is no male member to look after them. Therefore, he prays that transfer order should be set aside.

3. On the other hand the ld. Counsel for the respondents Shri Khan submits that this transfer order has been passed on administrative grounds and there is no malafide alleged by the applicant, therefore, it should not be interfered by the court.

4. I have heard the ld. counsel for the parties. Before coming to the Tribunal, the applicant has filed a representation which is at page 19 (Annexure-7) to the O.A. It is submitted on behalf of the applicant that his representation should be decided within a stipulated period.

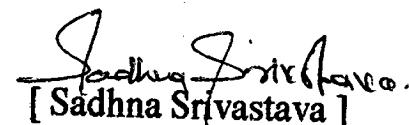
5. <sup>I have</sup> I considered the submissions made by the ld. Counsel for the applicant and feel that if I would direct the Respondent No.4 to decide his representation, the purpose of the applicant would be served.

6. I, therefore, direct the Respondent No.4 to consider and decide the representation of the applicant within a period of two weeks from the date



of receipt of a copy of this order.

7. The O.A. is disposed of accordingly. No cost.
8. It is made clear the I have not expressed any opinion on the merit of the case.

  
[ Sadhna Srivastava ]  
Member(Judicial)

mps.