

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.**

O.A. No. 725 of 2005

Date of order : 10.01.2006

C O R A M

Hon'ble Ms Sadhna Srivastava, Member (J)

1. Vidya Prasad, S/o Shri Raj Kumar Ram, J.E. II (Bridge),
E.C. Railway, Danapur, resident of village + P.O.
Basuchack, P.S. Karanda, District – Gazipur (U.P.)

...Applicant

By Advocate : Shri M.P. Dixit.

Vs.

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi.
2. The General Manager, E.C. Railway, Hajipur.
3. The General Manager (P), E.C. Railway, Hajipur.
4. The Chief Bridge Engineer, E.C. Railway, Hajipur.
5. The General Manager (P), N.C. Railway, Allahabad
6. The Divisional Railway Manager, E.C. Railway, Danapur.
7. The Sr. D.P.O., E.C. Railway, Danapur.
8. The Sr. D.En. (Co-ordination), E.C. Railway, Danapur.

...Respondents.

By Advocate : Shri A.A. Khan

O R D E R (Oral)

By Sadhna Srivastava, M (J). :-

The applicant has raised a grievance that notwithstanding his approval for inter railway transfer he has not been relieved by the D.R.M., E.C., Railway, respondent No. 6.

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2. The facts are that options were invited by the N.C. Railway, Allahabad from Staff working under different units for inter railway transfer. The applicant holding the post of Junior Engineer (Bridge), E.C. Railway, Danapur exercised his option for transfer to NCR/HQ/Allahabad. His option was accepted along with other employees of different units vide a communication from Head Quarters Office, NCR, Allahabad dated 28.8.2003, as contained in Annexure A/4. The applicant's grievance is that he has been discriminated in as much as other employees who had also opted for their transfer have been relieved for joining N.C.R. Allahabad or other railways. The applicant has also alleged that no vigilance / departmental proceedings is pending against him.

3. The respondents have not filed any reply in spite of several opportunity and a stop order dated 20.12.2005. The order dated 20.12.2005 clearly mentions that in case the respondents do not file reply on or before 10.1.2006, it will be presumed that the respondents have no cause to show, and the mater can be disposed of on the basis of the material on record. The respondents did not file any reply on or before 10.1.2006. Consequently, the learned counsel for both the parties were required to advance arguments on the basis of material on record. Since there was no material on behalf of



the respondents, the learned counsel for the respondents was unable to assist the Court.

4. It is not a healthy practice for any government department to adopt such a casual approach. Either the department should concede or contest. The approach should be healthy one. The casual or indifferent attitude cannot be appreciated.

5. In the instant case, the record bears out that there is standing instruction from the Railway Board that the staff who opt and for whom acceptance has been given by the new zone should be relieved within a week's time (Annexure A/11). The record also bears out that in the instant case, the General Manager, E.C. Railway has passed an order dated 17.5.2005 as contained in Annexure A/7, to release the applicant. It is really surprising that the order of G.M has not been complied with by the D.R.M., Danapur. It is still more surprising that D.R.M., Danapur has not responded to the notice issued by this Tribunal i.e., no cause has been shown.

6. In the circumstances, there is no other alternative except to direct DRM, Danapur, respondent No. 6 and Senior Divisional Engineer (Co-ordination), Danapur (respondent No. 8) to relieve the applicant to enable him to report at Allahabad. The respondents No. 6 & 8 are directed to relieve

the applicant by following the procedure, if any, at the time of release, within seven days of the receipt of a copy of this order. Copy of this order shall be issued by the office without any delay. The OA is, accordingly, ^{to} disposed ^{of} without any order as to the costs.


[Sadhna Srivastava] M (J)

/cbs/