

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 13.04.2016

OA No. 291/00248/2016

Mr. C.B.Sharma, Counsel for the applicant.

Matter relates to periodical transfer in Railways.

Heard.

Counsel for applicant submitted that the applicant whose name figure at Sl.No. 22 in the list of periodical transfers issued vide order dated 30.3.2016 (Ann.A/1) is working and discharging the duties as Train Conductor presently and has been transferred from Alwar to Ajmer. In this context it was submitted that periodical transfer of the applicant has been made though the applicant has not completed his tenure as Train Conductor but the respondents allowed exemption to other staff those who switched over from the post of TTI to post of Trains Conductor and vice-versa as may be seen at Note No.3 of Ann.A/1. He further submitted that as per policy dated 26.6.2000, Ann.A/2 normally periodical transfers are to be made within the same station or nearby so that there is no change of residence and further as per Ann.A/4 dated 24.10.2011 the proposal should be initiated in November and orders should be issued in December/January but in this case the proposal has been delayed and orders have been issued only on 30.3.2016 which is in the mid-session of the educational calendar/session of the children of the applicant and affects their studies.

On these grounds counsel for applicant prayed that effect and operation of Ann.A/1 dated 30.3.2016 may be stayed qua the applicant, or applicant may be allowed to file a detailed representation before the competent

authority i.e. respondent No.2 and till their disposal, operation of Ann.A/1 may be stayed.

Considered the aforesaid contentions and perused the record. As this a transfer matter, it is deemed appropriate that the applicant may be permitted to file a fresh representation before the respondents and the same may be decided by respondents by a reasoned and speaking order. Accordingly the OA is disposed of at the admission stage itself, without going into the merits of the case, with the directions to applicant that he may file a detailed representation to respondent No.2 within 7 days of receipt of copy of this order and further the respondent No.2 (or the competent authority, as the case may be) is directed to decide the representation, if any, so filed by the applicant, within a period of one month from the date of receipt of such representation. Till the decision on the representation, the effect and operation of Ann.A/1 qua the applicant is stayed. In case no such representation is filed, respondents are at liberty to proceed further as per law.

In view of the limited relief being granted the requirement of issuing of notices to respondents is dispensed with.

The OA is disposed of as above with no order as to costs.

Meenakshi Hooja
(MS.MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

kumawat