

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 161/2003

DATE OF ORDER: 10.4.2003

Shambu Sharma son of Shri R.P. Sharma aged about 39 years
resident of Plot 2 Chh-11 Shastri Nagar, Jaipur working as
Sr. T I. A North Western Zonal Railway, Jaipur Division, Jaipur.

.... Applicant.

VERSUS

1. The Union of India through the Chairman Railway Board
Department of Railway, Ministry of Railway, New Delhi.
2. The General Manager, Western Railway, Churchgate,
Mumbai.
3. The General Manager, North Western Zonal Railway,
Jaipur.
4. The FA & CAO, Western Railway, Mumbai.

.... Respondents

Mr. Mahesh Sharma, Counsel for the applicant.

CORAM:

Hon'ble Mr. H.G. Gupta, Member (Administrative)

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

This OA has been filed for the following reliefs:

- i) by an appropriate order or direction, the impugned
order dated 31.3.2003 (Annexure A/1) may kindly be quashed
and set aside.
- ii) to issue an appropriate order or direction, by which
the respondents may kindly be commanded with a direction to
include the name of the applicant for his retention in the
North Western Zonal Railway followed by a further direction
that the lien of the applicant may kindly be maintained
in North Western Zonal Railway looking to his higher seniority
position on the post of Sr. T.I. A.


iii) any other appropriate order or direction which this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case, may also kindly be passed in favour of the applicant."

2. Heard the learned counsel for the applicant.

3. During the course of submissions, the learned counsel for the applicant submits that options were called from the applicant whether he want to continue in the North Western zone. The applicant is presently working at Jaipur but the respondents vide order dated 31.3.2003 have posted him to Western Railway zone although he gave his option for retention for North Western Zone. He further submits that juniors to the applicant have been retained in the North Western Zone and he being sr. official has been ignored. The Western Zone include Ratlam, Rajkot etc. divisions. He had made a representation dated 2.4.2003 against the impugned order to the Railway authorities. He also submits that he may be relieved at any time.

4. Having considered the submissions of the learned counsel for the applicant, we are of the view that the representation of the applicant should be first decided by the respondents. In the circumstances, without commenting on the merits, this OA is disposed of at the admission stage with the direction to ~~the applicant to file~~ a fresh representation to respondent no. 4 with copy to respondents nos. 2 & 3 for information alongwith a copy of this order within ten days by speed post in order to avoid delay, in that event, respondent No. 4 is directed to dispose of his representation within four weeks from the date of receipt of the representation. If the applicant complies with this direction, respondent shall maintain status quo with regard to the service condition of the applicant

till disposal of his representation


(M.L. CHAUHAN)
MEMBER (J)


(H.O. GUPTA)
MEMBER (A)