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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

O.A. NO. 231 of 1998.

DATE OF DECISION 24-11-1999.

Shri R.M. Singh PETITIONER(S)

S/Sri G.K.Bhattacharya, G.N.Das. ADVOCATE FOR THE
PETITIONER(S)

- VERSUS -

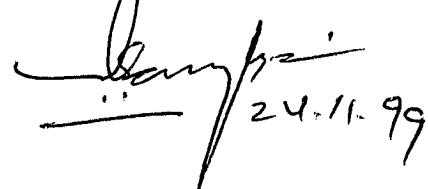
Union of India & Ors. RESPONDENT (S)

Sri J.L.Sarkar, Railway counsel ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR G.L.SANGLYINE, ADMINISTRATIVE MEMBER
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


24.11.99

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 231 of 1998.

Date of Order : This the 24th Day of November, 1999.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

Shri R.M.Singh,
Son of Shri Daibki Nandan Singh,
Head Commercial Clerk (Goods)
Lanka, Station Superintendent,
Lanka, N.F.Railway.

... Applicant

By Advocate S/Shri G.K.Bhattacharyya
and G.N.Das.

- Versus -

1. Union of India
represented by the General Manager,
N.F.Railway, Maligaon.
2. Divisional Railway Manager(P)
N.F.Railway, Lumding.
3. Divisional Commercial Manager,
N.F.Railway, Lumding.
4. Station Superintendent,
N.F.Railway,
Lanka.

... Respondents.

By Advocate Sri J.L.Sarkar, Railway counsel.

O R D E R

G.L.SANGLYINE, ADMN. MEMBER,

The applicant is a Head Commercial Clerk (Goods) posted at Lanka. On 15.5.1998 there was correspondence between respondent No.3 and No.2. Subsequently on 18.5.1998 the applicant was transferred from Lanka to Lumding in the same capacity on administrative ground with immediate effect by the respondent No.2. The applicant had not carried out the order of transfer before 5.6.1998 on which date he was placed under suspension for reasons other than non compliance transfer by with the order of respondent No.3. On 1.7.1998 the applicant submitted representation to the Chief Commercial Manager, N.F.Railway, Maligaon for revoking the suspension order and

retaining him in Lanka. On 3.7.1998 Charge Memo was issued against the applicant. On 9.7.1998 without referring to any previous reference an order was issued to the effect that the transfer order dated 8.5.1998 was in force. On 15.7.1998 the applicant submitted representation to the respondent No.2 requesting for revoking the suspension order in order to comply with the order of transfer. No reply was given. The applicant had submitted this application praying to quash the transfer order dated 18.5.1998 insofar as it relates to him and order dated 9.7.1998.

2. The respondents submitted written statement. The contention of the respondents is that there is no bar to release a staff under suspension for carrying out his transfer order. It appears that the respondents had not considered the issue in true perspective. Moreover, it appears that the representations dated 1.7.1998 and 15.7.1998 submitted by the applicant were not considered or disposed of by the respondents. In the circumstances I dispose of this Original Application with a direction to the respondents to consider the matter afresh. The applicant shall submit fresh representation within one month from the date of receipt of this order. The respondents shall take into consideration the representation of the applicant and issue fresh order and communicate the same to the applicant within 2 months from the date of receipt of the representation.

The application is disposed of. No order as to costs.


24.11.99
(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER