

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR**

Original Application No. 730 of 2005

Jabalpur, this the 11th day of August, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Tej Prakash Shrivastava,
S/o. Late S.P. Shrivastava,
Aged about 48 years,
Technician, R/o. RB-II. 348/3,
Hawabagh Railway Colony,
Jabalpur.

.... Applicant

(By Advocate – Shri V. Tripathi)

V e r s u s

1. Union of India, through its
General Manager, West Central
Railway, Indira Market,
Jabalpur.
2. The Divisional Railway Manager (P),
West Central Railway, Jabalpur Division,
Jabalpur.

.... Respondents

O R D E R (Oral)

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main reliefs :

“(ii) set aside the order dated 29.7.2005 Annexure A-1, with all consequential benefits as if the impugned transfer order has never been issued.

(iii) direct the respondents to keep applicant posted at the present place of posting i.e. Jabalpur.”

3. The brief facts of the case are that the applicant was initially appointed as Class-IV (Helper) employee on 22nd May, 1985. By order dated 29th July, 2005 he has been transferred from Jabalpur to Sagar.



Though it has been mentioned in the transfer order that he is being transferred in administrative exigency but the nature of administrative exigency has not been defined in the transfer order. Thus the transfer order is totally a non-speaking order. The children of the applicant have already taken admissions and are in the mid academic term of their studies. Hence, at this juncture, the mid session transfer of the applicant will shatter his entire family because he is a low paid employee and it would be very difficult for him to shoulder the burden of two establishments. The learned counsel for the applicant argued that the applicant has submitted a representation in this regard Annexure A-3 to the General Manager, West Central Railway, Jabalpur which was sent to him by speed post on 10th August, 2005. This representation of the applicant is still pending with the respondents for consideration. He further submitted that the respondents be directed to consider and decide the said representation of the applicant and till the said representation of the applicant is decided by the respondents he be not disturbed from the present place of posting.

4. In view of the submissions made by the learned counsel for the applicant, I feel that ends of justice would be met if I direct the respondent No. 1 i.e. the General Manager, West Central Railway, Jabalpur to consider and decide the said pending representation of the applicant at Annexure A-3 by passing a speaking, detailed and reasoned order within a period of one month from the date of receipt of a copy of this order. I do so accordingly. Till the said representation of the applicant is decided by the respondent No. 1 he will not be disturbed from the present place of posting. The learned counsel for the applicant is also directed to send a copy of this order as well as the copy of the petition to the respondent No. 1 immediately.



5. In view of the above the Original Application stands disposed of at the admission stage itself.

(Madan Mohan)
Judicial Member

"SA"

पृष्ठांकन सं ओ/न्या.....जवलपुर, दि.....

पतिलिपि अर्जो धित:-

- (1) सचिव, उच्च न्यायालय दार एसेसिएशन, जवलपुर
- (2) आवेदक श्री/श्रीमती/पु.....के काउंसल
- (3) प्रत्यर्थी श्री/श्रीमती/पु.....के काउंसल
- (4) गंधपाल, के प्र. ३१, जवलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

12/8/2008 उच्च न्यायालय

V. Tripathi
DM & CR
MB
(with copy-1/2)

10/8/2008
12-8-08