

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 162/2003

Chittan Son of Sultan Hussain,
Aged about 59 years, Khalasi/
Helper, Working under I.O.W. Karanzy,
S.E. Rly. Manendragarh, Resident of
Near Karanzy Railway Station,
Karanzy, Distt. Surguja (Ambikapur),
(C.G.).

... Applicant

V e r s u s

Union of India, Through

1. Secretary, Railway Department,
New Delhi.
2. Assistant Divisional Engineer,
S.E. Rly. Manendragarh, District :
Koria.
3. Section Engineer (Works),
S.E. Rly., Karanzy, Distt.
Surguja (Ambikapur) (C.G.).

... Respondents

Counsel :

Shri R.L. Ariha for the applicant.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri R.K. Upadhyaya - Member (Admnv.).

O R D E R (Oral)
(Passed on this the 13th day of March 2003)

The applicant is aggrieved by order of transfer dated 24/12/2002 (Annexure A/1) by which he has been transferred to Manendragarh under IOW/MDGR.

2. The claim of the applicant is that he has been working as Khalasi/Helper under IOW Karanzy, South Eastern Railway, Manendragarh and he is going to retire in the month of January 2004. In other words, his superannuation is within one year from now. It is also stated that the children of the applicant are studying in schools at Karanzy and transfer at this stage will adversely affect

Chittan

their education. The learned counsel further stated that there are transfer guidelines issued by the respondents that persons who are ^{on} in the verge of retirement could not be transferred in a routine manner. It is therefore urged that the impugned order dated 24/12/2002 (Annexure A/1) may be quashed.

3. After hearing the learned counsel for the applicant and without expressing any opinion on the merits of the claim of the applicant, we are of the opinion that the applicant should have exhausted the departmental remedy before approaching this Tribunal. Section 20 of the Administrative Tribunals Act, 1985 provides that this Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances. Apparently no representation against the impugned order of transfer dated 24/12/2002 (Annexure A/1) has been moved by the applicant. Therefore we direct the applicant to file a representation to respondent No. 2 within a period of 2 weeks from today. The applicant must incorporate all the grounds on which he is seeking his retention at the present station at Karanzi and also file a copy of this order alongwith his representation to respondent No. 2. In case the applicant complies with our direction as stated hereinbefore the respondent No. 2 is directed to pass a ^{and reasoned} speaking order under intimation to the applicant within a period of two months from the date of receipt of copy of this order alongwith the representation. Till the disposal of the representation of the applicant the impugned order dated 24/12/2002 (Annexure A/1) may not be given effect to.

Sanjay Kumar

4. In view of our direction in the preceding paragraph this Original Application is disposed of at the admission stage itself.

(Signature)

(R.K. UPADHYAYA)
MEMBER (A)

(Signature)

(N.N. SINGH)
VICE CHAIRMAN

पृथक् सं ओ/न्या.....जयलपुर, दि.....

परिचयिणी अथवा विवरण:-

(1) ~~संवेदन~~ जयलपुर न्यायपीठ, जयलपुर

(2) ~~संवेदन~~ जयलपुर न्यायपीठ, जयलपुर

(3) ~~संवेदन~~ जयलपुर न्यायपीठ, जयलपुर

(4) ~~संवेदन~~ जयलपुर न्यायपीठ, जयलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रेजिस्ट्रार

RL Aritho 1260

(Signature)
20/3/63

Issued
on 21.3.03
BS