

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 138/2006.

Jaipur, this the 20th day of April 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Narayan Lal
S/o Shri Permoli Ram Mittal
Aged about 44 years,
C/o Ram Swaroop Sharma
Near Immanwel School, Dadwara,
Kota.

... Applicant.

By Advocate : Shri C. B. Sharma.

Vs.

1. Union of India through
General Manager, West Central Zone,
West Central Railway,
Jabalpur (M.P.)
2. Controller of Stores,
JDA Building, West Central Railway,
Jabalpur (M.P.)
3. Chief Personnel Officer,
JDA Building, West Central Zone,
West Central Railway,
Jabalpur (M.P.)

... Respondents.

: O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

"(i) That entire record relating to the case be called for and after perusing the same respondents may be directed to post the applicant at Kota as Depot Material Superintendent Grade-I in the scale of Rs.6500-10500 on permanent basis by terminating temporary arrangement made vide Annexure A/13 with all consequential benefits.

(ii) That the respondents may be further directed to act as per options and request submitted by the

applicant and also give similar treatment as allowed to other officials with all consequential benefits.

(iii) Any other order/directions of relief may be granted in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case.

(iv) That the costs of this application may be awarded."

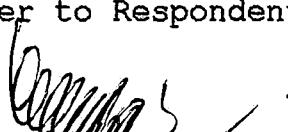
2. Briefly stated, the facts of the case are that the applicant while working as Depot Material Superintendent Grade-II opted for Kota division from Jhansi with permission of West Central Railway Headquarter, Jabalpur in the year 2002. The grievance of the applicant is that though the other officials were adjusted as per their option and also repatriated to their parent railway department but no such order was passed on the option exercised by the applicant. The applicant has stated that on 2.6.2003 he was transferred from Jhansi to Kota. Consequently, he was relieved from Jhansi on 26.6.2003, but instead of allowing him to join at Kota, he was asked to join at Jabalpur. It is further case of the applicant that he further make a request for his posting at Kota on 7.7.2003 followed by another request dated 17.9.2003, but no order was passed in his case. The applicant has further stated that on 7.1.2004 the respondents took decision of controlling of cadres at Headquarter at division level and respondents again call for option vide letter dated 5.2.2004 (Annexure A/8). Pursuant to such decision, the applicant again submitted his option for Kota on 17.2.2004 (Annexure A/9). Accordingly, the

applicant was transferred temporarily to Kota vide letter dated 11.3.2004 (Annexure A/10) where the applicant joined on 15.3.2004. The applicant has stated that he was promoted in the scale of Rs.6500-10500/- on 2.12.2004. On promotion the applicant was allowed to work at Kota on temporary basis. The grievance of the applicant is that he has been temporarily posted at Kota and no order has been passed on his option/request for his permanent posting at Kota. The applicant has stated that he has also made a representation dated 8.3.2006 which has not been decided by the respondents, therefore, it is on the basis of these facts, the applicant has prayed that a direction may be given to the respondents to adjust the applicant at Kota as per his option.

3. I have heard the Learned Counsel for the applicant at admission stage. I am of the view that the matter can be disposed of at admission stage as the representation of the applicant dated 8.3.2006 (Annexure A/6) is still pending and the respondents have not taken any action on his representation. Accordingly, Respondent No.3 is directed to pass reasoned and speaking order on the representation dated 1.3.2006 of the applicant. Till the decision on such representation is not taken, the respondents are directed to maintain status quo qua the posting of the applicant. Needless to add that in case the applicant is still aggrieved by the order to be

passed on his representation, it will be open for him to agitate the matter again by filing substantive OA.

4. With these observations, the OA is disposed of at admission stage. Registry is directed to send a copy of the OA along with this order to Respondent No.3.


(M. L. CHACHAN)
JUDICIAL MEMBER

P.C./