

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

4.7.2008

OA 249/2008 with MAs 193 & 204/2008

Mr. Vinod Goyal, counsel for applicants.

MA 193/2008 has been moved by the applicants praying for joining together and for permission to file a joint application. In view of the averments made in the MA, the MA is allowed and the applicants are permitted to file a joint application.

MA stands disposed of accordingly.

MA 204/2008 has been moved by the applicants for taking on record their representation dated 3.7.2007. In view of the averments made in the MA, the MA is allowed and their representation dated 3.7.2007 (Ann.A/6) is taken on record and the same shall form part of the OA.

MA stands disposed of accordingly.

Heard learned counsel for the applicants. The OA stands disposed of, at admission stage itself, by a separate order.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 04th day of July, 2008

ORIGINAL APPLICATION NO.249/2008

CORAM :

HON'BLE MR. M. L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B. L. KHATRI, ADMINISTRATIVE MEMBER

1. Naimuddin s/o Shri Jamaluddin r/o Naya Bazar, Gangapur City, District Sawai Madhopur.
2. Noor Mohammad s/o Shri Jahur Khan r/o Dashahra Ground, Opp. Shahin School, Gangapur City, District Sawai Madhopur.

... Applicants

(By Advocate : Shri Vinod Goyal)

Versus

1. Union of India through General Manager, West Central Railway, Kota.
2. Divisional Railway Manager, West Central Railway, Kota.
3. Station Manager, West Central Railway, Gangapur City, District Sawai Madhopur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR. M. L. CHAUHAN

The applicants, named above, have filed this OA against the impugned order dated 11.6.2008 (Ann.A/1), whereby on account of abolition of the posts of Bhisti from Gangapur City, the applicants have been transferred to Kota in the Carriage & Wagon Mechanical Department. Grievance of the applicants

is that initially they were appointed as Platform Porter (PP) in the year 1993 & 1991 respectively, although they were subsequently posted against the post of Bhisti in the year 1995. As such, they should not have been transferred on account of the impugned order because although the post of Bhisti has been abolished but the post of PP is still in existence.

2. The applicants have also moved MA 204/2008. Alongwith the said MA, the applicants have placed on record copy of their representation dated 3.7.2007 (Ann.A/6), addressed to respondents No.1 to 3. Learned counsel for the applicants submitted that he will be satisfied, at this stage, in case a direction is given to the respondents to decide the said representation by a reasoned and speaking order.

3. Thus, without entering into the merit of the case and keeping in view the fact that the applicants have made representation dated 3.7.2007 to the respondents, we are of the view that it will be in the interest of justice if a direction is given to the respondents to decide the representation of the applicants at the first instance.

4. Accordingly, respondent No.2 is directed to decide the representation of the applicants dated 3.7.2007 (Ann.A/6) by passing a reasoned and speaking order and taking into account the contentions raised by the applicants in the said representation. Till the said representation is not decided, the respondents are directed to maintain status-quo as of today qua the applicants.

5. With these observations, the OA stands disposed of, at admission stage, with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)