

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.2096/2018

Friday, this the 25th day of May, 2018

**Hon'ble Mr. Justice Dinesh Gupta, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Sh. Rahul s/o Sh. LalJi
r/o 243-2B P K Road
Railway Colony
New Delhi 110 055
IRTS, 2010
Lastly posted as Dy. COM/Plg.
Northern Railway at New Delhi

(Ms. Harsh Lata, Advocate)

..Applicant

Versus

1. Ministry of Railways
Through the Secretary
Railway Board
Rail Bhawan
Raisina Road, New Delhi – 110 001
2. General Manager
Northern Railway
Baroda House,
Copernicus Marg, New Delhi – 110 001

..Respondents

O R D E R (ORAL)

Mr. K.N. Shrivastava:

The applicant is aggrieved of his inter-zonal transfer effected vide impugned Annexure A-1 order dated 02.05.2018. By virtue of this order, the applicant has been transferred from Northern Railway to North Central Railway and posted at Allahabad. It is stated that the applicant has got 5 years old son, who is suffering with autism spectrum disorder and is mentally retarded, for which he is availing treatment at Dr. R M L Hospital,

New Delhi and Ekam Child Development Centre, New Delhi. Learned counsel for applicant submits that the applicant's transfer to Allahabad is in violation of Department of Personnel & Training (DoPT) guidelines issued in O.Ms. dated 06.06.2014 (Annexure A-5) and 17.11.2014 (Annexure A-6). It is stated that the applicant has submitted Annexure A-8 representation dated 07.05.2018 to the Member Traffic, Railway Board, representing his case and praying for his retention at Delhi, as he is the main caregiver to his son. Learned counsel for applicant submits that the applicant will be satisfied, at this stage, if a direction is issued to the competent authority to dispose of Annexure A-8 representation within a given time frame.

2. Having regards to the submissions made and without going into the merits of the matter, we dispose of this O.A. at the admission stage with a direction to respondent No.1 to decide Annexure A-8 representation of the applicant, within a period of two months from the date of receipt of a copy of this order, by passing a reasoned and speaking order. Needless to say that the applicant shall have the liberty to take appropriate remedy, as available to him under law, in case he remains dissatisfied with the order to be passed by respondent No.1. In the meantime, respondent No.1 is directed not to take any coercive action against the applicant.

Order *dasti*.

(K.N. Shrivastava)
Member (A)

May 25, 2018
/sunil/

(Justice Dinesh Gupta)
Chairman