

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/0035 OF 2018
Cuttack, this the 21st day of June, 2018

CORAM
HON'BLE MR. S. K. PATTNAIK, MEMBER(J)
HON'BLE DR. M. SARANGI, MEMBER (A)

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Suresh Kumar Sethy, aged about 47 years, son of Late Kathi Sethy, at present working as a Senior Sectionengineer (P.Way)/Con./East Coast Railway/KKKR, Permanent resident of Ranipada, PO- Tarago, Via-Bonth, Dist-Bhadrak, Odisha

...Applicant

(By the Advocate- M/s. N.R.Routray, T.K.Choudhury,
S.K.Mohanty, Smt. J.Pradhan)

-VERSUS-

Union of India Represented through

1. General Manager, East Coast Railway, E.Co.R.Sadan, Chandrasekarpur, Bhubaneswar, Dist-Khurda-751017.
2. Chief Administrative Officer, Construction, East Coast Railway, Rail Vihar, Chandrasekarpur, Bhubaneswar, Dist-Khurda-751017.
3. Dy. Chief Personnel Officer/Con., East Coast Railway, Rail Vihar, Chandrasekarpur, Bhubaneswar, Dist-Khurda-751017.
4. Dy. Chief Engineer (Con), E.Co.Rly, Jajpur-Keonjhar Road, At/PO- Jajpur Road, Dist- Jajpur-755019.
5. Dy. Chief Engineer (Con-I)/ East Coast Railway, Rail Vihar, Chandrasekarpur, Bhubaneswar, Dist-Khurda-751017.

...Respondents

(By the Advocate- Mr. T.Rath)

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ORDER

S. K. PATTNAIK, MEMBER (J):

The applicant, Sri Suresh Kumar Sethy, a Sr. Section Engineer (P.Way) has filed this O.A. challenging his order of transfer dated 17.01.2018 (Annexure-A/1) by which he was transferred from Jajpur Road to Bhubaneswar.

2. While admitting this O.A., as an interim measure, this Tribunal by order dated 30.01.2018 had stayed the transfer order of the applicant till filing of a short reply by the Official Respondents.

3. Official Respondents have filed their short reply on 07.03.2018 contesting the case of the applicant.

4. The main grievance of the applicant is that Resp. No.3 has issued the order of transfer of the applicant in violation of the Railway Board's transfer guidelines (Master Circular No. 24) dated 22.09.2011 (Annexure-A/3) and Circular dated 02.02.2010 (Annexure-A/4). According to the applicant as per the Railway Board's Circular dated 02.02.2010 where one of the spouses is a Railway servant and the other is working in a Central/State/Public Sector Undertaking/Autonomous Body/Private Sector, the Railway Servant may apply to the controlling authority for a posting at the place of posting of his/her spouse, which may be considered favourably by the competent authority. If no post is available for posting of the Railway Servant at the place of posting of the spouse he/she may be posted to a place closer to the place of posting of the spouse. According to the applicant, his wife is working as an Assistant Teacher and is posted at Badakantapada UGME School,

Manjuri Road, who is a State Govt. Servant and the present transfer from Jajpur Road to Bhubaneswar is in violation of the Railway Board's Circular dated 02.02.2010. The other ground of the applicant is that his son is going to appear Xth Board examination in February, 2018 and the present order of transfer will affect the academic prospect of his son.

5. The Official Respondents in their short reply have pleaded that the transfer and posting of the applicant was done as per the requirement of the staff in a particular work based station, for properly engaging the manpower by shifting the staff where they have become excess in comparison of volume of jurisdiction of area and work. It is the further case of the Respondents that in view of the exigency in engaging another PWI to foresee the target work of around 62 Kms of 3rd and 4th line-communicating, the applicant was transferred on need based and posted under Dy. CE/C-I/BBS on public interest and on administrative exigency.

6. After hearing Ld. Counsel for both the sides and going through the pleadings of the respective parties, it is apparent that the transfer order was affected in large public interest of the organization and more so keeping in view the expertise, knowledge and experience of the applicant to achieve the targeted work of the construction wing. Posting of the applicant at the place of posting of the spouse may be considered favourably keeping in mind the administrative requirement and exigency of public service. Since, the transfer and posting of the applicant was made keeping in mind the exigency in construction

organization work and commissioning of new line, no interference is called for, to nullify the order of transfer, which has been passed by the competent authority after due application of departmental requirements.

7. In view of the above, the O.A. being devoid of merit is dismissed. M.A.No. 75/2018, filed for execution of the order dated 30.01.2018, is also disposed of having become infructuous. Interim order granted by this Tribunal stands vacated. No costs.

(M. SARANGI)
Member (Admn.)

(S.K.PATTNAIK)
Member (Judl.)

RK/CM