

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 040/00123/2018

Date of Order: This, the 26th day of March 2018

THE HON'BLE MR. S.N. TERDAL, JUDICIAL MEMBER

Shri Prasanta Kumar Nag
@ Prasant Kumar Nag
Son of Late Swapan Kumar Nag
Presently working as Senior Section Engineer/
Diesel/Electrical
Siliguri Diesel Loco Shed, N.F. Railway
Katihar Division, Pradhannagar
Siliguri Junction, West Bengal
Pin – 743003
Resident of Railway Quarter No. 306(A)
Diesel Colony
Pradhannagar, Siliguri Junction
West Bengal, Pin – 743003.

...Applicant

By Advocate: Mr. C.S. Hazarika

-Versus-

1. The Union of India
Represented by the General Manager
N.F. Railway, Maligaon
Guwahati – 781011.
2. The General Manager (P)
N.F. Railway, Maligaon
Guwahati – 781011.
3. The Principal Chief Mechanical Engineer
N.F. Railway
N.F. Railway, Maligaon
Guwahati – 781011.

4. The Deputy Chief Personnel Officer
Headquarters
N.F. Railway, Maligaon
Guwahati – 781011.
5. The Senior Divisional Mechanical Engineer
Diesel, Siliguri Junction
N.F. Railway, Pradhannagar
Siliguri Junction, Pin – 743003.

... Respondents

By Advocate: Ms. U. Das, Railway S.C

O R D E R (ORAL)

MR. S.N. TERDAL, MEMBER (J):

This O.A. is filed by the Applicant seeking a direction to the Respondents to set aside and quash the impugned office order No. Mech/Dsl./Staff matter/2015/18(loose) dated 27/28.02.2018 and to allow the Applicant to continue at his current place of posting at Siliguri Junction Diesel Shed.

2. At the request of the learned counsel for the Applicant, the matter was taken up to dispose of this O.A. at the admission stage itself as the learned railway standing counsel for the Respondents consented for the same as she has

already taken instructions and submitted several documents including a letter wherein it is stated that impugned transfer order was preceded by Placement Committee recommendation. This letter was relevant because main contention of the Applicant was that the impugned transfer order was bad in law as it is not based on the recommendation of the Placement Committee.

3. Heard Mr. C. S. Hazarika, learned counsel for the Applicant and Ms. U. Das, learned railway standing counsel for the Respondents. Perused the O.A. and all the documents.

3. Though the learned counsel for the Applicant strenuously and vehemently submitted that the impugned transfer order dated 27/28.02.2018 be given effect to after six months for enabling him to shift his sick mother. The learned railway standing counsel for the Respondents also equally strenuously and vehemently submitted that no time should be given at all as it affects public interest.

4. After considering the various submissions made by the learned counsel for the Applicant as well as learned railway standing counsel for the Respondents more particularly with respect to the health condition of the mother of the Applicant,

the Respondents are directed to give effect to the transfer order dated 27/28.02.2018 after two months, that is, from 26.05.2018.

5. O.A. stands disposed of accordingly at the admission stage. No order as to costs.

(S.N. TERDAL)
JUDICIAL MEMBER

PB

APPLICANT'S ANNEXURES:

Sl.No.	Annexures	Particulars	Page
1	Annexure 1	Copy of impugned office order dated 27.02.2018 issued on behalf of the General Manager (P), NF Railway, Maligaon by the Deputy Chief Personnel Officer/HQ, NF Railway, Maligaon on 28.02.2018	18-20
2	Annexure 2	Copy of office order dated 09/10.12.2015	21-24
	Annexure 3	Copy of Railway Board's letter dated 10.06.2014	25-28
	Annexure 4	Copies of Railway Board's letter dated 04.07.2014	29
	Annexure 5	Copy of letter dated 29.09.2015	30-35
	Annexure 6	Copy of office order dated 01.08.2017	36-37
	Annexure 7	Copy of Survival Certificate dated 16.10.2014	38-40
	Annexure 8	Copy of Certificate of Marriage dated 01.11.2011	41-44
	Annexure 9	Copy of medical certificate of the mother of the applicant dated 13.03.2018.	45-48
	Annexure 10	Copy of prescriptions of the mother of the applicant dated 10.01.2018 and 13.02.2018.	49-52