

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 042/00153/2018

And

Misc. Application No. 042/00089/2018

Date of Order: This, the 27<sup>th</sup> day of August 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**

Sri Prem Prakash Pandey, Son of  
Shri G.S. Pandey, presently resident  
Of Railway Campus, MSRTC Complex,  
Moirangkhong, Imphal, Manipur-795001.

**...Applicant**

By Advocates: Mr. U.K. Nair, Sr. Advocate, Ms. N. Shyamal and  
Mr. M.P. Sharma

-Versus-

1. The Union of India, Represented by the Secretary, Railway Board, Ministry of Railways, Government of India, New Delhi- 110006.
2. The Railway Board, represented by its Secretary, Ministry of Railways, Government of India, New Delhi- 110006.
3. The General Manager, N. F. Railway, Maligaon, Guwahati- 781011.
4. The General Manager (Construction), N. F. Railway, Maligaon, Guwahati- 781011.

**...Respondents**

By Advocate: Ms. U. Das, Railway SC

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**O R D E R (ORAL)****MR. N. NEIHSIAL, MEMBER (A):**

By this O.A., applicant makes a prayer to set aside and quash the impugned order dated 12.04.2018 whereby the respondents sought to be transferred from Construction Organization (Manipur) to Open Line, Maligaon, Guwahati and to direct the respondents to forbear from giving effect to the said impugned order dated 12.04.2018 and allow him to complete his tenure at Imphal.

2. Heard Mr. U.K. Nair, Sr. Advocate assisted by Ms. N. Shyamal, learned counsel for the applicant and Ms. U. Das, learned railway standing counsel for the respondents.

3. In the instant O.A., while notice was issued to the respondents on 20.04.2018, as an interim measure, this Tribunal stayed the operation of the impugned transfer order dated 12.04.2018 till the disposal of the O.A. with liberty to the respondents to file M.A., if any, for revocation, alteration or modification of the interim order.

4. In view of the above, M.A. No. 042/00089/2018 is filed by the respondents praying for vacation of the said interim

order dated 20.04.2018 passed by this Tribunal in O.A. No. 042/00153/2018 in which the applicant has challenged the impugned transfer order No. E/283/Con/CONFD dated 12.04.2018 transferring him from Imphal to Maligaon, Guwahati. M.A. was considered by this Court on 27.08.2018. On going through the pleadings of the said M.A., it is observed that the respondents are basically justifying the frequent transfer of the applicant on the ground of having alleged involvement of the applicant in the execution of contract by using sub-standard materials in ARA-SSM section. There also stated that the use of inferior material affects the movement of trains and above all puts to risk the life & property. It is a criminal offence and concerned officials appear to have become habitual offenders. These unscrupulous elements/officials should be posted to innocuous and inconvenient posting vide Govt. of India, Ministry of Railway, Railway Board, New Delhi's letter No. 2016/V3/EC/Engg/10-PIDR dated 13.02.2018.

4. Having heard the learned counsel on both sides, perusal of the pleadings and material placed before us, it is noted that the applicant who is a direct recruit Indian Railway Services Engineers officer belonging to the 1997 batch, has preferred the instant petition assailing the arbitrary and illegal

action on the part of the respondent authorities in subjecting him to frequent transfers and thereby disrupting the normal life of the applicant and his family members. We have gone through the posting profiles of the applicant which is reproduced below:-

SN	Year	Designation	Place of Posting	Railway
1	2.04.01-14.12.02	AEN/SV	Siwan	N.E. Railway
2	16.12.02-15.09.03	AEN/C/MGB/North	Khagaria	E.C. Railway
3	16.09.03-23.04.04	AEN/C/DOS	Dehari-On-Sone	E.C. Railway
4	24.4.04-03.07.05	DEN/C/DOS	Dehari-On-Sone	E.C. Railway
5	04.07.05-22.02.07	DEN/C/Incharge/DOS	Dehari-On-Sone	E.C. Railway
6	23.2.07-14.06.10	Dy.CE/C/DNR	Danapur	E.C. Railway
7	15.06.10-04.02.12	Dy.CE/DLF/HQ & Competent Authority	Patna, Maraura Workshop	E.C. Railway
8	5.02.12-27.09.13	Dy.CE/C/Works/HQ	Kolkata	E. Railway
9	27.09.13-2.05.14	Dy.CE/BR(ROB)/HQ	Kolkata	E. Railway
10	5.05.14-28.10.14	Dy.CE/TP-2)/HQ	Allahabad	N.C. Railway
11	28.10.14-18.11.15	Dy.CE/Land/HQ	Allahabad	N.C. Railway
12	1.12.15-14.07.16	Dy.CE/con/Land & audit hq	Maligaon	N.F. Railway
13	15.07.16-1.06.17	Dy.CE/con/II/LMG	Lumding	N.F. Railway
14	2.06.17-Till date	Dy.CE/con/I/IMF	Imphal	N.F. Railway

5. In this connection, it may be appreciated that the respondent authorities have all the administrative and disciplinary power to supervise, control and manage the officials functioning of the applicant. If the applicant is found to be wanting in certain aspects of his functioning, the respondent authorities have the ample options to initiate appropriate proceedings against him. In spite of this option being available, the respondent authorities have chosen to transfer the applicant at frequent intervals from place to place.

While the power of the respondent authorities to transfer the officials/employees is not contested, there has to be reasonableness in doing so. A Govt. officers/employees also need certain degree of stability in their career/postings having own families and the education of the children.

6. It is evident from the perusal of the records that the recent transfer of the applicant particularly from 5<sup>th</sup> October 2015 to 12.04.2018 (as quoted by the applicant at para 4.9 to the O.A.) is considered not reasonable and not fair. Accordingly, the present transfer order dated 12.04.2018 is liable to be cancelled/set aside.

7. In view of the above, impugned order No.E/283/Con/CONFID dated 12.04.2018 transferring the applicant from Construction Organization (Manipur) to Open Line at Maligaon is hereby cancelled/set aside.

8. Accordingly, O.A. stands allowed. No order as to costs. Consequently, M.A. No. 042/00089/2018 stands dismissed.

**(N. NEHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**