

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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OA/350/596/2018

Date of Order: 15.05.2018

Coram : Hon'ble Mrs. Manjula Das, Judicial Member

Jaipal Kerketta, son of Bro Kerketta of Jyotish Tower, Flat No. 1A, Buddha Village, Asansol- 713301, working as SSE/ELS/TRS/ASN at Asansol, Eastern Railway, Asansol.

----- Applicant

-Versus-

1. Union of India, service through the General Manager, Eastern Railway, 17, Netaji Subhas Road, Kolkata 700001.
2. The Railway Board, Ministry of Railways, Government of India, Rail Bhawan, New Delhi.
3. The General Manager, Eastern Railway, having his office at 17, Netaji Subhas Road, Kolkata 700001.
4. Divisional Railway Manager, Eastern Railway, having his office at Asansol, P.O Asansol, District - Paschim Burdwan, Pin 713301.
5. Principal Chief Personal Officer, having his office at 17, Netaji Subhas Road, Kolkata 700001.
6. The Senior Divisional personal Officer, Eastern Railway, Asansol, having his office at his office at P.O Asansol, District - Paschim Burdwan, Pin 713301.
7. The Assistant Personal Officer,(l) Eastern Railway, Asansol, having his office at his office at P.O Asansol, District - Paschim Burdwan, Pin 713301.
8. Pramod Bhagat, son of Ganesh Bhagat, working at JE at ELS/ Bhilai, Raipur, S.E.C Railways.

---Respondents.

For the Applicant : Md. T. Khan, Counsel

For the Respondents : Mr. A.K Banerjee, Counsel

O R D E R(Oral)

Per : Mrs. Manjula Das, Judicial Member:

The applicant has approached this Tribunal under Section 19 of the AT, Act, 1985 seeking the following relief:

(a) "An order directing the respondents, their agents, subordinates and successors to rescind, cancel and/or withdraw the purported decision

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communicated by the respondents under memo dated 03.01.2017, 11.04.2018 respectively to this application;

- (b) An order directing the respondents, their agents, subordinates and successors to allow that applicant to retain his post of SSE/ELS/TRS/ASN at Asansol forthwith without any hindrance from any quarters.
- (c) An order directing the respondents, each one of them their men, agents, staff, subordinates and associates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that concessionable justice may be administered by directing them to forthwith;
- (d) Costs of and/or incidental to this application be borne by the respondents;
- (e) Such further and/or other order or orders be passed and/or direction or directions be given, as to this Hon'ble Tribunal may deem fit and proper."

2. Heard Md. T. Khan, Id. counsel for the applicant and Mr. A.K Banerjee, Id. counsel for the respondents. I have perused the pleadings and materials place on record.

3. Id. counsel for the applicant submitted that the applicant was initially appointed as Jr. Engineer under Eastern Railway/Asansol w.e.f 15.01.2007. Id. counsel for the applicant further submitted that the applicant made a prayer to the respondent authority concerned on 13.09.2012 for mutual transfer with Private Respondent No. 8, Shri Pramod Bhagat, while holding the post of JE. In the meantime, the applicant was promoted to the post of SSE at Asansol. It is submitted by the Id. counsel for the applicant that the Respondent No. 6 issued a memo dated 03.01.2017 (Annexure A-3 to the O.A), asking the applicant to submit his willingness to join the post of JE at Raipur on reversion of his present post and designation. As the applicant has already got promotion at Asansol, he informed the authorities that he was not willing to join the transfer post vide letter dated 13.02.2017. The grievance of the applicant is that inspite of his unwillingness duly forwarded to the competent authority, the Respondent No. 6 issued an order of reversion of the applicant and asked him to join the post of JE at Raipur. Being aggrieved with such action of the respondent authority, the applicant has approached this Tribunal seeking the aforesaid reliefs:

4. Id. counsel for the applicant Md. T. Khan further submitted that the applicant would be satisfied for the present if he is permitted to make a



comprehensive representation to the authority concerned and the authority concerned is directed to dispose of the same as per rules within a specific time frame, taking note of his earlier application for cancellation of his prayer for mutual transfer in view of his promotion to the post of SSE.

5. Though no notice has been issued to the respondents as yet, I think it would not be prejudicial to either of the parties if the prayer of the ld. counsel for the applicant is allowed.

6. In view of the above, liberty is given to the applicant to file a comprehensive representation to the respondent authorities ventilating his grievance within a period of 15 days from the date of receipt of this order. If such representation is receipt within 15 days, the competent respondent authority is directed to consider and dispose of the same keeping in mind the earlier application of the applicant for treating his application for mutual transfer as cancelled in view of his promotion to the post of SSE and pass a reasoned a well reasoned order as per rules within a period of 3 months from the date of receipt of the representation from the applicant. The decision so arrive at shall be communicated to the applicant forthwith. Till the representation is considered and the result is communicated to the applicant, the impugned order dated 11.4.2018 (Annexure A-5 to the O.A) shall be kept in abeyance. The applicant is given liberty to approach the authority for redressal of his grievance if he is aggrieved with the decision of the authority.

7. With the above observations and directions, the O.A is disposed of. No costs.



(Manjula Das)
Judicial Member