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LIBRARY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A.No.350/ 8 16 /2017

In the Matter of :

An application u/s 19 of the
A.T.Act, 1985;

-And-

In the Matter of :

Sri Joy Sharma, son of Late
Mahendra Kumar Sharma, aged
about 30 years, working as
Commercial Clerk, Piyali
Station, Sealdah Division,
Eastern Railway; residing at
146, Monadutta Sarani, P.O.
Kanchrapara, Dist. 24-Pgs.(N)
P.S.Bizpur, Pin-743 145.

.. Applicant

-Versus-

- 1) Union of India through the
General Manager, Eastern ~~Railway~~
Railway, 17, N.S.Road, Fairlie
Place, Kolkata-700 001.
 - 2) The General Manager, Eastern
Railway, 17, N.S.Road, Fairlie
Place, Kolkata-700 001.
- /s/

2.

3) The Chief Commercial
Manager, Eastern Railway,
17, N.S.Road, Fairlie Place
Kolkata-700 001.

4) The Senior Divisional
Commercial Manager, Sealdah
Division, Eastern Railway,
Sealdah, Kolkata-700 014.

5) The Divisional Commercial
Manager, Sealdah Division,
Eastern Railway, Sealdah,
Kolkata-700 014.

.. Respondents



**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

No. OA 350/816/2017

Date of order : 14.6.2017

Present: Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the applicant : Mr.K.Sarkar, counsel
Ms. A.Sarkar, counsel

For the respondents: Mr.S.Banerjee, counsel

O R D E R

The applicant Shri Joy Sharma has approached CAT under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) to direct the respondents to consider the transfer of the applicant from Piali Station to Kanchrapara Station or its adjoining any stations;
- b) to direct the respondents to deal with and/or dispose of the representations of the applicant as contained in Annexures A/4 & A/5 herein;
- c) to direct the respondents to produce the entire records of the case before the Hon'ble Tribunal for adjudication of the issues involved herein;
- d) and to pass such further or other order or orders as to this Hon'ble Tribunal may deem fit and proper;

2. As submitted by the applicant, he joined as Commercial Clerk on 4.1.2011 in Payradanga Station under Sealdah Sub-division of Eastern Railway on compassionate ground. The applicant has been transferred from Payradanga Station to Piali Station in the same capacity vide office order dated 24.11.2015 and accordingly he has been released from Payradanga Station on 15.4.2016 for reporting to the transferred place of posting. The transfer order dated 24.11.2015 is set out below :

EASTERN RAILWAY

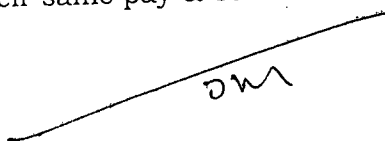
No.E.3/Comml.Trans & Post/2014

Sealdah, the date 24.11.2015

OFFICE ORDER

As per recommendation of Divisional Placement Committee duly approved by the competent authority (ADRM/Q/SDAH), the following arrangements are made to take immediate effect.

The following staff are hereby transferred and posted at the station as shown below against each on their same pay & scale.



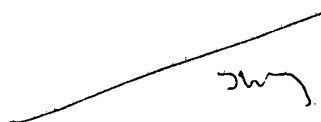
Sl.No.	Name (S/Shri)	Design. Stn.	Scale of pay	Posted at/as	Remarks
1.	Uday Chandra Lal Karan PF A/c No. 529818	CCC/KNR BU-561	Rs.9300-34800/- - GP 4600/- (MACP)	BGB(G) BU-543	On Admn. Ground vice vacancy
2.	Partha Ghosh PF A/c No. 533856	CCC/KOAA/P BU-828	Rs.9300-34800/- - GP 4200/-	BGB(G) BU - 543	On Admn. Ground vice vacancy
3.	Ashok Kumar Dutta PF A/c No. 530394	CCC/KOAA BU-828	Rs.9300-34800/- - GP 4600/- (MACP)	NACC(B) As Incharge BU-542	On Admn. Ground vice vacancy
4.	Biswanath Das PF A/c No. 556471	CCC/(In charge) DKDP, BU - 661	Rs.9300-34800/- - GP 4200/-	As CTI/HQ under Sr.DCM/SDAH BU-361	Vice over all vacancy
5.	Abhishek Ghosh PF A/c No. 555607	CC/NACC (B) BU-542	Rs.5200-20200/- - GP 2000/-	KYP BU - 661	Own request vice vacancy
6.	Prasenjit Maitra PF A/c No.555858	CC/PDX BU - 548	Rs.5200-20200/- - GP 2000/-	DH BU-661	On Admn. Ground vice vacancy
7.	Joy Sharma PF A/c No. 556547	CC/PDX BU - 548	Rs.5200-20200/- - GP 2000/-	PLF BU-546	On Admn. Ground vice vacancy
8.	Shamal Kr. Das PF A/c No. 551011	CC/IP BU - 561	Rs.5200-20200/- - GP 2000/-	KNR BU-561	On Admn. Ground vice Sl.No.1

It is noted that the applicant was transferred on administrative ground vice vacancy. The applicant joined the new place of posting i.e. Piali Station. But he is facing trouble because of long distance from residence i.e. Kanchrapara. He has also mentioned that he is the only male member of family and has to look after all the dependent members and it is difficult for him to attend to his duties at Piali Station.

3. The applicant states that he made representations on 7.3.2017, 9.3.2017 and 11.3.2017 to respondent No.4 stating the entire facts and circumstances of the case praying for transfer from Piali to Kanchrapara or any adjacent station. It is his grievance that he has not got any answer to his representations.

4. Heard both the Id. Counsels.

5. It is felt that justice would be done if the representation of the applicant is considered by respondent No.4 within 4 weeks and the applicant is intimated of the decision taken by the respondent authorities within 2 weeks thereafter.



6. Further, I have not gone into the merits of the case and all points are kept open to be considered by the respondent authorities.

7. The OA is accordingly disposed of with the above directions. No costs.

(JAYA DAS GUPTA)
(ADMINISTRATIVE MEMBER)

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