



**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH**

No. O.A. 350/01458/2017

Date of order: 29.11.2017

Present : Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Nasim Ather,  
Son of Late Ashique Hossain,  
Aged about 54 years,  
By Occupation Railway Employee,  
Residing at 13/H/46, Braunfeld Row,  
Kolkata - 700 027.

.. Applicant

**- V E R S U S -**

1. Union of India,  
Through the General Manager,  
South Eastern Railway/  
Having his Office at  
Garden Reach,  
Kolkata - 700 043.
2. The Chief Commercial Manager (CCM),  
South Eastern Railway,  
Having his office at 14, Strand Road,  
Kolkata - 700 001.
3. The Chief Personnel Officer (CPO),  
South Eastern Railway,  
Having his office at Garden Reach,  
Kolkata - 700.043.
4. The Divisional Railway Manager (DRM),  
Kharagpur,  
South Eastern Railway,  
Having its office at Kharagpur,  
West Medinipur,  
Pin - 721301.
5. The Additional Divisional Railway Manager  
(ADRM),  
Kharagpur,  
South Eastern Railway,  
Having its office at Kharagpur,  
West Medinipur,  
Pin - 721301.
6. Sr. Divisional Commercial Manager (Sr. DCM),  
South Eastern Railway,  
Having its office at Kharagpur,

West Midnapore,  
Pin - 721301..

7. The Sr. Divisional Personnel Officer,  
South Eastern Railway,  
Having its office at Kharagpur,  
West Midnapore,  
Pin - 721 301.

8. Area Manager (ARM),  
Shalimar,  
South Eastern Railway,  
Having its office at Shalimar, Shibpur,  
Howrah - 711 102.  
Presently under charge of Ch. OS(G), SHM.

.. Respondents

For the Applicant : Mr. B. Bhusan, Counsel

For the Respondents : Ms. G. Roy, Counsel

O.R.D.E.R.(Oral)

Per Nandita Chatterjee, Administrative Member:

Ld. Counsel for the applicant is present and is heard at length.

2. An application has been filed Under Section 19 of the Administrative Tribunal Act, 1985 for inter alia, cancellation of the transfer order dated 4.10.2017, to withdraw the posting order dated 10.10.2017 and to allow the applicant to do the assigned work as allotted by the Respondents at present place of posting till the disposal of this application.

3. Ld. Counsel for the applicant submits that a representation dated 12.10.2017 annexed as Annexure "A-8" to the O.A. is pending for consideration before the respondent authority.

4. We hence dispose of the application at admission stage by directing the respondent No. 6 to dispose of the representation dated 12.10.2017 (Annexure "A-8" to the O.A.) in accordance with the extant rules and regulations of the respondent authority, within a period of 6 weeks from the date of receipt of this order. Until disposal of the application and until a

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decision is arrived at by the Respondent Authorities, the applicant will not be released from his present place of posting. Once the decision is arrived at, the Respondents will be at liberty to proceed in the matter.

5. Ld. Counsel for the respondents is present and heard in the matter. Ld. Counsel for Respondents draws our attention to the fact that as the representation at "Annexure A-8" has been made by the applicant immediately upon issue of the transfer order, without availing of the gestation period to join his new post, the application is premature.

6. We make it clear that we have not gone into the merits of the case and all issues are kept open for consideration as per the Rules by the concerned respondent authorities.

7. The O.A. is, accordingly, disposed of. No costs.

(Dr. Nandita Chatterjee)  
Administrative Member

(Manjula Das)  
Judicial Member

SP

