

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.426/2018.

Date of Decision: 18.06.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)

Shri Prakash Ramrao Nagle
 Occ:Service/Head Booking Clerk,
 CNC, Kalwa, Thane.
 R/at MS/RB/3/C-3, Railway Colony,
 Kalwa (W), Dist. Thane 400 605.
(By Advocate Shri R.K. Singh)

... ***Applicant***

Versus

1. Union of India,
 Through the General Manager,
 Central Railway, G.M. Bldg.,
 CST Mumbai 400 001.
2. The Divisional Railway Manager (C),
 D.R.M. Building, Annexure,
 Central Railway, CST Mumbai 400 001.
3. APO (C),
 D.R.M. Building, Annexure,
 Central Railway, CST Mumbai 400 001.
4. C.N.C. Kalwa,
 Mumbai Division, C.R. Kalwa,
 Dist. Thane 400 605.

... ***Respondents***

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out
 for Admission, heard Shri R.K. Singh,
 learned Advocate for the Applicant. We have
 carefully perused the case record.

2. The Applicant who is presently

working as Head Booking Clerk under Respondent Nos.3 & 4 at Kalwa under Central Railway has grievance regarding the impugned order dated 11.05.2018 (Annexure A-1), by which he is transferred from the present post to TVSG in the same capacity in Raigad District under Konkan Railway.

3. In this OA, the following reliefs are sought:

“8.a This Hon'ble Court may be pleased to quash and set aside transfer office order No.CNC/KLVA/TPO/PR/5/2018 dated 12.05.2018 passed by the CNC Kalwa on office order No.111 of 05/2018 dated 11.05.2018 APO(C) CSTM and be directed to the respondents to allow the applicant for resume duty in same place forthwith in the interest of justice”.

4. The following interim reliefs is also sought:

“9. Pending the hearing and final disposal of the Original Application, this Hon'ble Court be pleased to stay and restrain the transfer office order No.CNC/KLVA/TPO/PR/5/2018 dated 12.05.2018 passed by the CNC Kalwa on officer order No.111 of 05/2018 dated 11.05.2018 APO (C) CSTM dated 11.05.2018 in the interest of justice.”

5. It is stated by learned Advocate for the Applicant that the applicant has been transferred within eight months. Initially, he was appointed on compassionate ground on the said post. According to him, minimum

tenure is of three years as per Transfer Policy and the ground of illness of his mother, who is suffering from cancer is also given in the OA at para 4.7. It is stated that the applicant has been relieved from the present post on the next date i.e. 12.05.2018. However on interrogation, learned Advocate for the applicant submitted that the applicant did not report at the new station of his transfer. However, on 21.05.2018 he submitted a representation (Annexure A-5) to the Respondent No.2 - Divisional Railway Manager for cancellation of his transfer alleging that since he belongs to the backward community he is being harassed by higher authorities and hence transferred. Other grounds are not mentioned for consideration of the said authority to take a decision, if the impugned transfer order can be cancelled.

6. In view of above, since the representation is pending and it is stated that nothing has been heard from the other end, we are of considered view that OA can be disposed of with appropriate directions.

7. In view of above, the applicant will

be at liberty to submit a detailed representation to the Senior Divisional Personnel Officer, CST, Mumbai, who has not been impleaded as party respondent in OA, stating the grounds therein and enclosing copies of relevant documents in support thereof for consideration of the said authority, within a period of one week from today.

8. On receipt of such representation if made by the applicant, Senior Divisional Personnel Officer, CST, Mumbai is directed to consider and decide it in accordance with law, within a period of two weeks therefrom and communicate the order so passed to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

9. There will be no direction to Respondent No.2 - Divisional Railway Manager to consider the pending representation since the impugned order of transfer has been passed by Senior Divisional Personnel Officer and hence the said authority is competent to decide the representation for its cancellation.

10. The Respondent No.2 is however directed to ensure that copy of this order is immediately forward to the Senior Divisional Personnel Officer, CST, Mumbai for consideration of representation to be submitted by applicant.

11. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

12. DASTI.

(Smt. P. Gopinath)
Member (A)

(A.J. Rohee)
Member (J)

dm.