

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIREGN.NO.:OA/051/00342/2018Date of Order:- 08.08.2018**C O R A M**

HON'BLE MR. K.N.SHIVASTAVA, MEMBER (ADMN.)

HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)

.....

Upendra Kumar Singh, aged about 46 years, S/o Late Suresh Prasad Singh, SSE (Works)/Rourkela (Incharge), under ADEN/Rourkela/S.E.Railway/Chakradharpur Division, R/o Mohalla-Rajapur Manipura, PO & PS-Patna-800 001 (Bihar).

.....**Applicant.****By Advocate:-** Mr. Debarsi Mondal.

Vs.

1. The Union of India through the General Manager, South Eastern Railway, Personnel Department, 11 Garden Reach Road, Kolkata-700 043.
2. Divisional Personnel Officer, South Eastern Railway, Chakradharpur Division, Singhbhum, Jharkhand-833 102.
3. Senior Divisional Engineer (Co-ordn.), South Eastern Railway, Chakradharpur Division, Singhbhum, Jharkhand-833 102.
4. Divisional Engineer (West), South Eastern Railway, Chakradharpur Division, Singhbhum, Jharkhand-833 102.
5. Assistant Divisional Engineer, South Eastern Railway, Chakradharpur Division, Singhbhum, Jharkhand-833 102.

.....**Respondents.****By Advocate:-** Mr. Prabhat Kumar, Standing Counsel.**O R D E R (ORAL)**

K.N.Shrivastava, Member (Admn.) :- Heard Mr. Debarsi Mondal, learned counsel for the applicant. Issue notice. Mr. Prabhat Kumar, learned Standing Counsel accepts notice on behalf of the respondents.

2. The applicant was working as Senior Section Engineer (Works) (in short, SSE) at Rourkela under Chakradharpur Railway Division of S.E.Railway. Vide Annexure-A/1 order 20.07.2017 he was transferred from Rourkela to Badajamda. The applicant challenged the transfer order before Cuttack Bench of the Tribunal in OA No. 513 of 2017. The Tribunal, however, refused to interfere with the transfer order and, accordingly, passed order dated 08.09.2017. The applicant challenged the ibid order of the Tribunal before the Hon'ble Orissa High Court in WP(C) No. 20682 of 2017 which was disposed of vide order dated 04.10.2017, operative part of which reads as under:-

“In the circumstances, we are not inclined to entertain this writ petition. However, we direct that the representation submitted by the petitioner shall be considered and disposed of on its own merits within a period of one month from the date of production of certified copy of this order.”

3. Pursuant to the direction of the Hon'ble Orissa High Court, the respondents disposed of the pending representation of the applicant vide impugned Annexure-A/4 order dated 09.11.2017. All the points raised in the representation have been comprehensively dealt with by the respondents in their Annexure-A/4 order. The applicant had stated in his representation that he had undergone heart bye-pass surgery and, hence he was required to be posted at a place where cardiac facilities are available in the local hospital. His grievance was that at Badajamda there was no such hospital having the cardiac facilities.

4. The respondents have mentioned in the Annexure-A/4 order that there is a well equipped hospital runs by TISCO at Noamundi

which is at a distance of 14 kms away from Badajamda and the applicant can avail those facilities.

Regarding discontinuation of the schooling of the applicant's children in mid of the academic session, the respondents have mentioned in Annexure-A/4 order that he is permitted to retain the residential quarters till the end of the academic session.

Learned counsel for the parties have confirmed that the applicant has already joined at the transferred place.

5. The applicant has primarily challenged two orders in this OA, namely, Annexure-A/4 order dated 09.11.2017, whereby his representation has been disposed of, and the order dated 20.07.2017, whereby he was transferred from Rourkela to Badajamda and, accordingly, has prayed for reliefs 8.1 & 8.2.

6. In view of the factual position stated herein above, relief 8.2 is hit by the principle of res judicata. As regards relief 8.1 we are of the view that Annexure-A/4 order is a well reasoned and speaking order, it has dealt with all the issues raised by the applicant in his representation and it has also taken care of issues relating to applicant's health condition as well as schooling of his children. Hence, we are of the view that no intervention is called for from this Tribunal in the Annexure-A/4 order.

7. In the conspectus, we do not find any merit in this OA. Accordingly, it is dismissed.

(Jayesh V.Bhairavia)/M(J)

(K.N.Shrivastava)/M(A)