

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
REGN. No.:OA/050/00601/2018**

Date of Order: 18.07.2018

C O R A M

**HON'BLE MR. K.N.SHRIVASTAVA, MEMBER (ADMN.)
HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)**

.....

Tej Narain Diwakar, S/o Sri Ram Kumar Yadav, Village & PO- Tengarar, Via. Phulparas, PS-Khutauna, District-Madhubani-847409.

..... Applicant.

- By Advocate: - Mr. J.K.Karn.
Mr. H.K.Karn.

-Versus-

1. The Union of India through the General Manager, E.C.Railway, Hajipur-844 101.
2. The General Manager (Personnel), E.C.Railway, Hajipur-844 101.
3. The Divisional Railway Manager, E.C.Railway, Samastipur- 848 101.
4. The Divisional Railway Manager (Personnel), E.C.Railway, Samastipur-848 101.
5. The Asstt. Personnel Officer-III, O/o Divisional Railway Manager (Personnel), E.C.Railway, Samastipur-848 101.
6. The Sr. Divisional Engineer (I), E.C.Railway, Samastipur-848 101.
7. The Sr. Divisional Engineer, E.C.Railway, Darbhanga-846 004.

..... Respondents.

By Advocate: - Mr. D.K.Verma,
Addl. Standing Counsel.

ORDER

Per K.N.Shrivastava, Member (Admn.):- Heard Mr. J.K.Karn, learned counsel for the applicant. Issue Notice. Mr. D.K.Verma, learned Addl. Standing Counsel accepts notice on behalf of the respondents.

2. The applicant was working as Track Maintainer-IV at Darbhanga. Vide Annexure-A/1 order dated 19.01.2018 he was transferred to Bapu Dham, Motihari. The applicant did not join at the transferred place instead he made representations to the higher authorities. The Divisional Railway Manager, Samastipur vide Annexure-A/7 order dated 02.07.2018 has re-transferred the applicant back to Darbhanga. The applicant has remained absent since 19.01.2018. The grievance of the applicant is that despite Annexure-A/7 order, the Sr. Divisional Engineer, E.C.Railway, Darbhanga (Respondent no.7), under whom he has been posted, has not allowed him to join.

3. In the ordinary course, the applicant ought to have gone to the Divisional Railway Manager, Samastipur, seeking implementation of the order dated 02.07.2018 (Annexure-A/7) but instead he has chosen to approach this Tribunal in the instant OA for enforcement of Annexure-A/7 order. This is not a proper course and we do not appreciate it. However, to give a quietus to this controversy, we direct the respondent no.7 (Sr. Divisional Engineer, E.C.Railway, Darbhanga) to implement the Annexure-A/7 order dated 02.07.2018 subject to the applicant applying for leave from 19.01.2018 to 02.07.2018 for getting his period of unauthorized absence regularized. The competent authority is directed to sanction leave to the applicant as available to his credit and regularize the period of absence. This shall be done within a period of two weeks from the date of receipt of a copy of this order.

4. With the above observation/direction, this OA is disposed of.

No order as to costs.

(Jayesh V.Bhairavia)
Member (Judl.)

(K.N.Shrivastava)
Member (Admn.)

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