

Central Administrative Tribunal
Patna Bench, Patna.
[Circuit Court at Ranchi]

OA 051/00336/2018

Date of Order:- 13.07.2018

C O R A M

Hon'ble Jayesh V. Bhairava, Member [J]

1. Vineet Singh, aged about 32 years, S/o Shri Upendra Singh, R/o Near Sail Centre, P.O. Pundag, P.S. Jagarnathpur, District - Ranchi
 2. Ajit Kumar Jha, S/o Shri Harekrishna Jha. Ranchi
 3. Smt. Lata, widow of Late day Shankar Prasad, Ranchi
 4. Shilpi Mukherjee, Daughter of Late Tarapado Mukherjee, Ranchi.
 5. Binita Sinha, Widow of Late Shatrughan Prasad, Ranchi.
-Applicants.

By Advocate : Shri V.K. Tiwary

Vs.

1. Union of India through the General Manager, South Eastern Railway, Garden Reach, Kolkata .
2. The Principal Chief Personnel Officer, Personnel Department, S.E. Railway, 14 Strand Road Kolkata, Pin-700007.
3. Sr. Personnel Officer (Traffic), Personnel Department, S.E. Railway, 14 Strand Road Kolkata, Pin-700007.
4. Principal Chief Commercial Officer, Personnel Department, S.E. Railway, 14 Strand Road Kolkata, Pin-700007.

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5. The Divisional Railway Manger, S.E. Railway, Ranchi Division, Ranchi, At : DRM office, PO & PS Hatia District-Ranchi, Pin – 834003.
6. SR. Divisional Commercial Manager, South Eastern Railway, Ranchi Division, Ranchi , At : DRM office, PO & PS- Hatia, District Ranchi, Pin 834003.
7. Sr. Divisional Personnel Officer, South Eastern Railway, Ranchi Division, Ranchi , At : DRM office, PO & PS- Hatia, District Ranchi, Pin 834003.

..... Respondents.

By Advocate : Shri A.K. Rishidi

ORDER
(oral)

Per Jayesh V. Bhairavia, M [J]:- Heard the parties.

2. With consent of learned counsel for the parties, the case has been taken up for considering as to whether the applicants are entitled for interim relief or not.

3. In the present OA, the applicants have challenged the transfer order dated 25th January 2018 issued by the Sr. Personnel Officer (Traffic) Kolkata whereby the applicants who were posted as commercial clerk at Ranchi Division Hatia were ordered to be transfer from Ranchi Division to other Divisions falling under the territory of Jharkhand as well as West Bengal.

The learned counsel for applicant further submits that in fact the inter division transfer is not permissible in terms of instant instruction/guidelines of the Railway. Initially, the applicants were put under suspension, their suspension were revoked later on. The transfer order was passed on administrative grounds and as such the said order should not have been passed in view of the existing guidelines.

4. On behalf of respondents, Shri A.K. Rashidi, learned advocate submits that the applicants were found indulging in malpractices by issuing higher value tickets, UTs tickets and other irregularities leading to embezzlement of Railway Revenue. It appears that the applicants have not submitted any applications ventilating their grievances against the transfer order so, this OA cannot be entertained. Moreover, it is submitted that the applicants have not honoured the transfer order and they are absenting themselves from duty on grounds of sickness.

5. During the course of hearing, I/c Shri V.K Tiwari, on instructions from the applicants, submits that the applicants may be allowed to withdraw this O.A with liberty to file a

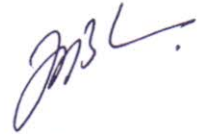


proper representation against their transfer order by resuming duties at transferred place.

6. Respondents have no objection to this submissions.

7. In the light of foregoing discussions and request made on behalf of the applicant, it is appropriate to allow the applicants to submit their application against their transfer order after joining on transferred place within three weeks from today. The respondents are directed to consider the representation of each applicants in accordance with rule and existing guidelines within four weeks thereafter.

8. In view of the above, the O.A stands disposed of. No costs.



[Jayesh v. Bhairavia] M [J]

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