

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

OA 51/00262/2018

Date of Order:- 23.10.2018

C O R A M

Hon'le Shri K.N. Shrivastava, Member A)
Hon'ble J. V. Bhairava, Member [J]

Vikash Singh S/o Shri Raj Narayan Singh, R/o Railway Qtr.No. 683/D, Rangatand Railway Colony, P.O.- & P.S. Dhanbad, District, Dhanbad-826001.

....Applicant

By Advocate : Shri Lukesh Kumar

Vs.

1. Union of India through the General manager, East Central Railway, Hajipur P.O.- Diggi kalan, P.S.- Hajipur, District- Vaishali at Hajipur, Bihar-844101 and five others.

..... Respondents.

By Advocate : Shri Prabhat Kumar

O R D E R
(oral)

Per K.N. Shrivastava, M [A]:- The applicant at that relevant point of time was working as a Senior Sectional Engineer (SSE/works) at Dhanbad under the Dhanbad Division, East Central Railway. He was transferred to Samastipur division vide Annexure A/2 order dated 30.06.2017. The applicant approached the Tribunal through OA 189/2017 challenging Annexure A/2 transfer order dated 30.06.2017 which was disposed of vide order dated 12.01.2018 with the following directions :-

"In the aforesaid backdrop, it is felt that the reason given by the Principal Chief Engineer in transferring the applicant inter divisionally is not justified. Accordingly, we quash the speaking order with a direction upon the Principal Chief Engineer, the competent authority who has duly approved the transfer to consider his representation in the light of the relevant rules and circulars operating in the field and pass a reasoned and speaking order on the inter divisional transfer of the applicant from Dhanbad Division to Samastipur Division, after revocation of his suspension, when a specific bar has been imposed by Railway Board's letter dated 25.03.1967 supra."

2. In compliance of aforementioned direction, the respondents have passed a detailed reasoned and speaking order dated 27.02.2018 (Annexure A/9). The applicant has challenged the Annexure A/9 order dated 27.02.2018 in the instant OA praying for the following reliefs :-

[8.1] Your Lordship may be pleased to quash the order no. 398/2017 dated 30.06.2017 whereby and whereunder the applicant has been transferred on Inter Division from one Division to another Division i.e from Dhanbad Division to Samastipur Division that too without any reasons assigned;

[8.2] Your Lordship may further be pleased to quash the reasoned and speaking order dated 27.02.2018 passed by the Principal Chief Engineer, ECR/Hajipur whereby and whereunder the representation made by the application, in terms of the order dated 12.01.2018 passed in O.A No. 051/189/2017 is dismissed and the transfer order no. 398/2017 dated 30.06.2017 is found to be justified in the interest of Railway Administration.

[8.3] You Lordship may further be pleased to issued direction to the respondents not to give effect to the order no. 398/2017 dated 30.06.2017 and allow the applicant to perform his duty at the place where he has been working earlier to the issuance of order no. 398/2017 dated 30.06.2017.

[8.4] Your Lordship may further be pleased to issued direction to the respondents to pay the salary since the month of July 2017 onwards and to pay the bonus for the year 2016-17 to the applicant as the other employees have been paid the bonus for the aforesaid period."

3. During the pendency of the O.A, the applicant also filed an MA 323/2018 praying for an interim direction for his retention in Dhanbad due to his family problems.

4. Taking cognizance of the submissions made by the learned counsel for respondents Shri Prabhat Kumar that the respondents are considering to transfer the applicant within Dhanbad Division itself, the Tribunal disposed of the MA with a direction that such transfer order be passed within seven days and the applicant be allowed to join on the new post.

5. The learned counsel for applicant submitted that, pursuant to the direction of the Tribunal vide order dated 10.09.2018, respondents have posted him as SSE at Gajuhandi in Dhanbad Division where he has joined on 24.09.2018. He thus contended that the respondents may be directed to pay him his salary from 01.07.2017 to 24.09.2018 (from the date of earlier transfer to the date of his joining at Gajuhandi).

5. We noticed that the main prayer of the applicant in this O.A has already been granted by the respondents by way of posting him within Dhanbad Division

and cancelling his transfer to Samastipur Division. As regards salary for the period 30.06.2017 to 24.09.2018, it is not in dispute that the applicant has not worked in this period. Nevertheless, this period needs to be regularized which can be done by sanctioning him appropriate leave as available to his credit.

6. In the conspectus of discussion in pre-paras, this O.A is disposed of with a direction to respondents to regularize the period of absence of the applicant from duty i.e from 01.07.2017 to 23.09.2018 by way of sanctioning him appropriate leave as available to his credit. This shall be done within a period of four weeks from the date of this order and the consequential benefits should also be released within two weeks thereafter. No order as to costs.

(J. V. Bhairava)
Member [J]

(K.N. Shrivastava)
Member A

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