

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the 15th day of February, 2019

Present:

Hon'ble Mr. Rakesh Sagar Jain, Member-J

Original Application No. 330/0140/2019
(U/S 19, Administrative Tribunal Act, 1985)

Akhilesh Kumar S/o Shri Krishna Gopal Gupta posted as SSE,
Drawing under DRM (W) Jhansi R/o 63-B, Pitambra Enclave,
Gwalior Road Jhansi.

.....Applicant.

By Advocate – Shri R.N. Joshi/Shri P.K. Mishra.

VERSUS

1. Union of India through General Manager, North Central Railway, Subedarganj, Allahabad.
2. Divisional Railway Manager, (P), North Central Railway, Jhansi Division, Jhansi.
3. Senior Divisional Engineer (CO) N.C. Railway, Jhansi Division, Jhansi.

.....Respondents.

By Advocates : Shri S.M. Mishra.

ORDER

Shri R.N. Joshi & Shri P.K. Mishra, learned counsels
for the applicant and Shri S.M. Mishra, learned counsel
for the respondents are present.

2. The present Original Application has been filed
against the transfer order dated 25.10.2018 of the

applicant, which as per the applicant is in violation of transfer policy of the respondents.

3. Learned counsel for the applicant further submits that the applicant has not been relieved as yet and his representation dated 11.01.2019 against the transfer order is still pending before the respondents. Therefore, he seeks stay of the transfer order pending the OA.

4. On the other hand, the learned counsel for the respondents submitted that the transfer has been done in accordance with Rules and the applicant should first join his place of posting and then move a representation. He further submitted that the transfer order dated 25.10.2018 may not be stayed.

5. I have heard learned counsel for the parties and perused the records.

6. It is admitted fact that the transfer order issued on 25.10.2018 is yet to be implemented by the respondents. Considering the facts that the representation dated 11.01.2019 is yet to be decided by the respondents and that the applicant has not been relieved as yet and also the fact that the applicant has not been relieved by the

respondents since 25.10.2018 till date and there was no probable impediment in implementing the order, the Respondent No. 3 is directed to dispose of the representation dated 11.01.2019 filed by the applicant within a period of 10 days from the date of this order by way of speaking and reasoned order. Till then the order dated 25.10.2018 regarding applicant shall not be implemented. The only reason by which I am persuaded to pass the order is that the applicant has not been relieved since 25.10.2018 as well as the fact that his representation dated 11.01.2019 has not been decided despite a gap of one month.

7. Accordingly, the OA, is disposed of.

Copy of the order be given to the parties' counsel.

(Rakesh Sagar Jain)
Member (J)

/SS/