

Open Court

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

Allahabad, this the 08<sup>th</sup> day of January, 2019

Present:

**Hon'ble Ms. Ajanta Dayalan, Member (A)**  
**Hon'ble Rakesh Sagar Jain, Member (J)**

**Original Application No. 330/18 of 2019**  
(U/S 19, Administrative Tribunals Act, 1985)

Vijay Shankar Mishra

Aged about 59 years

S/o Late A. N. Mishra

R/o 5/6 KA Shivkuti

Allahabad.

.....Applicant.

By Advocates – Shri A. K. Srivastava

**VERSUS**

1. Union of India through General Manager  
North Central Railway, Subedartganj, Allahabad.
2. Divisional Railway Manager  
North Central Railway, Allahabad Division, Allahabd
3. Senior Divisional P

..... Respondents.

By Advocate : Shri S. M. Mishra

**ORDER**

**Delivered by Hon'ble Ms. Ajanta Dayalan, Member (A) :**

Shri A. K. Srivastava, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents are present.

2. Counsel for the applicant states that his client has been transferred from Allahabad to Phafaond which is over 350 KMs away from Allahabad and he has been transferred even though he is due to retire in January 2020. Counsel for the applicant states that the transfer order is against the Railway Board's own instructions which mentions that as a matter of principle no transfer will be made within last two years of superannuation. In this regard, he has made representation dated 20.12.2018, which is still pending with the department.

3. Counsel for the respondents states that the applicant has been transferred within the same zone and within the same Controlling Officer. Counsel for the respondents further states that the department will take a view on the representation of applicant.

4. It is noted that the applicant has been transferred despite clear departmental policy of the Railway Board that the transfer of staff from one station to another, in the same grade, should not be made within two years of the date of superannuation.

5. In view of limited prayer made by counsel for the applicant, competent authority amongst the respondent department is directed to dispose of the representation dated 20.12.2018 of the applicant by a reasoned and speaking order within a period of four weeks from the

date of receipt of certified copy of this order, keeping in view their own transfer policy and facts of the case. If the facts of the case are found otherwise, they are free to make a decision as per the correct facts. The transfer order of the applicant will remain stayed till the decision of the respondents.

6. Accordingly, O.A. is disposed of. No order as to costs.

**(RAKESH SAGAR JAIN)**  
**MEMBER-J**

**(AJANTA DAYALAN)**  
**MEMBER -A**

/Shashi/