

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00014/2019

Date of Order: This, the 17th day of January 2019

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEIHSIAL, ADMINISTRATIVE MEMBER**

Sri Ashutosh Malakar
Aged about 57 years
Son of Late Aswini Kr. Malakar
Pints Man (A) under Station Master
Silchar, N.F. Rly.
Resident of Silchar Arnapurna Railway Colony
Quarter No. 232/B, P.O. – Tarapur – 3, Pin – 788003.

...Applicant

By Advocates: Mr. S. Sarma & Mrs. B. Devi

-Versus-

1. Union of India
Represented by the Secretary
To the Govt. of India
Ministry of Railways, New Delhi – 110001.
2. The General Manager (P)
N.F. Railways, Maligaon, Guwahati – 781011.
3. The Divisional Railway Manager
N.F. Railway, Lumding.
4. The Area Manager, Badarpur
N.F. Railway, Lumding.
5. The Sr. Divisional Operating Manager
N.F. Railway, Lumding.
6. The Station Superintendent, Silchar
N.F. Railway, Lumding.

7. The Divisional Personal Officer (I/C)
N.F. Railway, Lumding.

...Respondents

By Advocate: Mr. H.K. Das, Railway Advocate

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

By this O.A., applicant makes a prayer to set aside and quash the impugned order dated 14.07.2018 and to allow him to be posted in his present place of posting. Further prays to consider his representation by taking note of the guideline issued by the Railway Authority and to grant all the consequential service benefits as per his entitlement.

2. Heard Mrs. B. Devi, learned counsel for the applicant and Mr. H.K. Das, learned railway counsel for the respondents and perused all the documents.

3. Mr. H.K. Das, learned railway counsel representing the respondents submits that said order dated 14.07.2018 was issued only for temporary sparing the applicant in view of his health condition. Besides the representation dated 16.07.2018 is not made by the applicant but through Railway Employees

Association which cannot be considered as a representation of the applicant. More so, distance between Silchar and Karimganj is nearly 40/50 km.

4. On the other hand, learned counsel for the applicant Mrs. B. Devi submits that applicant may be granted liberty to file a comprehensive representation within a time frame and till such time, he shall not be disturbed from his present place of posting

5. By accepting the prayer made by the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice to the respondents, we direct the applicant to make a comprehensive representation before the respondent authority within ten (10) days from the date of receipt copy of this order. On receipt of such, the respondent authority shall consider and dispose of the said representation within a period of three months by taking into note the facts and circumstances of the case of the applicant thereafter.

6. It is made clear that, whatever decision to be arrived by the Respondent Authorities, shall be reasoned and speaking and shall be communicated to the Applicant forthwith. Till such

time, applicant shall not be disturbed from his present place of posting at Silchar.

7. With the above directions, O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

PB