

## CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH

Original Application No. 040/0062/2019

Date of Decision: 09.05.2019

**THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER**  
**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**

Sri Tonmoy Chanda  
CMI/N.R.Railway, Goalpara Town  
P.O.Bhalukddubi, Dist-Goalpara  
Pin-783101, Assam

Applicant

Mr.M.Chanda

-Versus-

1. The Union of India  
Represented by the General Manager,  
North East Frontier Railway,  
Maligaon, Guwahati-11
2. The General Manager (P)  
HQ, North East Frontier Railway,  
Maligaon, Assam  
Pin-781011.
3. The Divisional Railway Manager(P)  
Rangiya Division  
North East Frontier Railway,  
P.O. Rangia-781354  
Dist-Kamrup(R)  
Assam

4. Shri R.Chakraborty,  
APO/III/RNY, N.F.Railway  
Office of the Divisional Railway Manager (P)  
Rangia, P.O. Rangia, Dist-Kamrup (R)  
Assam, Pin-781354.
5. Shri Ved Prakash Kumar, CMI  
North East Frontier Railway, Harmuti  
P.O.Harmuti, Dist.-North Lakhimpur, Assam  
Pin-787001.
6. Sr.Divisional Commercial Manager  
Rangia, N.F.Railway,  
P/O Rangia  
Dist.-Kamrup (R), Assam  
Pin-781354

.....Respondents

By Advocate: Ms.. Usha .Das, Railway Counsel

### **ORDER (O R A L)**

**Hon'ble Mrs.Manjula Das, Member(J):**

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act 1985, with the following reliefs:-

“ 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned Transfer and Posting order dated 07.02.2019 (Annexure-A1) as well as the impugned order dated 14.02.2019 (Annexure-A2) with exemplary cost.

8.2. That the Hon'ble Tribunal be pleased to direct the Respondents to allow the applicant to continue the existing place of posting at Office of the N.F.Railway, Goalpara Town in the same capacity as Commercial Inspector at N.F.Railway, Goalpara Town."

2. Heard Mr.M.Chanda, learned counsel for the applicant and Ms.Usha Das, learned Railway Standing counsel for the respondents.

3. Mr.M.Chanda, learned counsel for the applicant submitted that the applicant has been transferred from office of the N.F.Railway, Goalpara Town to N.F.Railway, Harmuti in the Lakhimpur District within a period of 11 months.

4. Learned counsel further submitted that the applicant has been transferred and posted at Harmuti, with the intention to accommodate other person to the present place of posting.

5. Learned counsel further submitted that the applicant made representation dated 11.02.2019 before

the authority which has been rejected due to the administrative reasons.

6. Learned counsel for the applicant submitted that the Railway authority suggested the applicant to submit application for his choice station posting and in the event of such option for choice posting same will be considered favourably.

7. In view of that without going in to the merit of the case and without issuing notice to the respondents, we give the liberty to the applicant to make a representation before the Respondents authorities.

8. Ms.Usha Das, the learned Railway Standing counsel for the respondents also submitted that the case of the applicant will be considered for posting at Rangapara, District of Sonitpur, if he submits such application before the respondents authority.

9. In view of the above facts and circumstances of the case and the submissions made by both learned

counsels, we dispose of this matter with the direction upon the respondents to consider the case of the applicant for posting at Rangapara immediately and till such consideration, the interim order dated 01.03.2019 passed by this Tribunal shall continue to remain in operation.

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

(N.NEIHSIAL)  
MEMBER (A)

(MANJULA DAS)  
MEMBER(J)

LM