

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00005/2019

Jabalpur, this Thursday, the 03rd day of January, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Abdul Razzaq Khan S/o Late Shri Abdul Khan,
Aged about 54 years,
Presently working as AXEN/Br.L./Bhopal Division
WCR Bhopal (M.P.) R/o E-185/4,
Professor Colony, Bhopal 462 002 (M.P.) -Applicant

(By Advocate –**Shri Amardeep Gupta**)

V e r s u s

1. Union of India,
Through its General Manager
West Central Railway Opposite
Indira Market Jabalpur (M.P.)

2. General Manager (Personnel)
West Central Railway Opposite
Indira Market Nagar,
Jabalpur (M.P.) 482001

3. Principle Chief Engineer
West Central Railway
Opposite Indira Market Nagar,
Jabalpur (MP) 482001 - Respondents

(By Advocate –**Shri A.S. Raizada**)

O R D E R (Oral)

By Navin Tandon, AM:-

The applicant is working as Assistant Executive Engineer
(AXEN) with the respondent-department and is presently posted at

Bhopal. He is aggrieved by his transfer to Kota vide order dated 20.11.2018 (Annexure A/1).

2. It has been brought out by the applicant that his wife is working as Assistant Engineer in Public Works Department Government of Madhya Pradesh, Bhopal. Further, his mother is aged 74 years and is also a victim of Bhopal Gas Tragedy.

3. The applicant has submitted his representation dated 27.11.2018 (Annexure A/4) for posting him at any post at Bhopal.

4. Learned counsel for the applicant submits that the applicant has still not been released from present place of posting at Bhopal and his present representation (Annexure A/4) has still not been decided.

5. Learned counsel for the applicant brought out that the DoPT vide its Office Memorandum dated 30.09.2009 (Annexure A/5) and Railway Board vide RBE 23/2010 dated 02.02.2010 (Annexure A/6) have issued detailed guidelines regarding posting of husband and wife at same station. Para 3(d) of Annexure A/6 as under:-

"3.d. Where one of the spouses is a railway servant and the other belongs to a state service.

The Railway servant should be posted at the station/placed in the Railway/Division/PU in whose territorial jurisdiction the place/state of posting of his/her spouse falls. If it is not possible, if a request from the railway servant to the Controlling Authority of the spouse for his/her posting at the place of posting of the railway servant is received the same

may be forwarded to the concerned authority for sympathetic consideration.”

6. Learned counsel for the respondents submits that the officer has already completed 04 years and 05 months at the same post and is transferred as per comprehensive transfer policy for Railway Officers issued vide letter dated 31.08.2015.

7. Learned counsel for the applicant submits that the applicant would be satisfied if the competent authority of the respondents is directed to consider and decide the said representation dated 27.11.2018 (Annexure A-4) in a time bound fashion, with a reasoned and speaking order.

8. Accordingly, this Original Application is disposed of at admission stage itself, without going into the merits of the case, by directing the competent authority of the respondents to consider and decide the applicant's representation dated 27.11.2018 (Annexure A-4) with a reasoned and speaking order. The decision so taken shall be communicated to the applicant. Till such time the representation is decided the applicant may not be released from the present place of posting, if not released already.

(Ramesh Singh Thakur)
Judicial Member
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(Navin Tandon)
Administrative Member