



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
KOLKATA BENCH, KOLKATA:

Original Application No.350/1669 of 2018

(An application U/S. 19 of the A.T. Act, 1985)

In the matter of:

Dharma Sahu, aged about 53 years, Son of late Dulabha Sahu, resident of At/ P.O.- Girisola, P.S.- Golanthra, Dist.- Ganjam-761009, working as Assistant Financial Advisor (Stores-II), East Coast Railway, At- Rail Sadan, P.O./P.S-Chandrasekharpur, Bhubaneswar, Dist- Khurda.

... Applicant

- Versus -

1. Union of India, represented through the General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751017, Odisha.
2. Principal Financial Advisor, East Coast Railway, Bhubaneswar, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist-Khurda-751017, Odisha.
3. Deputy FA & CAO (F&G), East Coast Railway, At- E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist- Khurda-751017, Odisha.

... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH

O.A/350/1669/2018

Date of Order: 14.11.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

For the Applicant(s): Mr. B. S Panigrahi, Counsel

For the Respondent(s): Mr. A. K Banerjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. B.S.Panigrahi, Ld. Counsel for the applicant.

2. Mr. A.K.Banerjee, Ld. Counsel, who usually appears for the East Central Railways, is present and on my request, Ld. Counsel for the applicant has served copy of the O.A. on him. Heard Mr. Banerjee in extenso.

3. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

- "a) To quash the order of transfer dtd. 29.10.2018 under Ann.-A/3 (so far this applicant is concerned);
  - b) And to direct the Respondents to allow the applicant to continue in his present place till end of the present academic session;
- And pass any other order as this Hon'ble Tribunal deems fit and proper in the interest of justice;"

4. The applicant has filed this Original Application challenging the order of transfer dtd. 29.10.2018 passed by Respondent No. 2 during mid-academic session and before completion of minimum tenure of posting as well as in violation to Railway Boards letter dtd. 10.06.2014 as the order of transfer is without the approval of Placement Committee. Ld. Counsel for the applicant submitted that ventilating his grievance the applicant has preferred representation under




Annexure-A/8 on 05.11.2018 before Respondent No.2. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if Respondent No.2 is directed to consider his representation within a specific time frame.

5. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 2 to consider the representation of the applicant under Annexure-A/8, if the same has been filed and is pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force within a period of six weeks from the date of receipt of copy of this order. I make it clear that till the representation is considered and result thereof is communicated to the applicant, status quo as on date so far as continuance of the applicant in the present place of posting is concerned shall be maintained. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

6. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

7. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 2 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

8. Copies of this order be handed over to the Ld. Counsel for the parties.

  
(A.K.Patnaik)  
Member(J)

RK/PS