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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH, KOLKATA.

04/350/00212/2019
PARTICULARS OF THE APPLICANT:

Anupom Dewasi, son of Dinabandhu Dewasi, aged about 42 years, by Occupation-Service, at present residing at C/o Dr. Debabrata Saha, Sarada Nagar 3 No. Street, P.O.- Amrai, Durgapur, District- Burdwan (West), West Bengal, Pin-713203

...APPLICANT.

-V E R S U S-

PARTICULARS OF THE RESPONDENTS:

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, Kolkata-700001.
2. The Senior Divisional Personnel Officer, Eastern Railway, Asansol Division, DRM Office, Drys Road, Mushi Bazar, Asansol, West Bengal- 713301.
3. The Divisional Mechanical Engineer(L & F), Eastern Railway, Asansol Division, DRM Office, Drys Road, Mushi Bazar, Asansol, West Bengal- 713301.
4. The Senior Section Engineer (Loco), Eastern Railway, Andal, District- West Burdwan, West Bengal- 713321.
5. The Senior Section Engineer (Loco), Eastern Railway, Madhupur, Amtalla Bherwa, Madhupur, Jharkhand- 815353.

...RESPONDENTS:



CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/212/2019

Date of Order: 05.03.2019

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

Anupom Dewasi -vs- Eastern Railway

For the Applicant(s): Mr. A. Chakraborty, Counsel
Ms. P. Mondal, Counsel

For the Respondent(s): Ms. C. Mukherjee, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.

2. As no-one appears on behalf of the Respondents and Ms. C.Mukherjee, Ld Counsel, who usually appears for the Eastern Railways, is present in the Court, on my request, Mr. Chakraborty has served copy of the O.A. along with annexures, on her as I do not want the Official Respondents to go unrepresented. Heard Ms. Mukherjee, in extenso.

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

"a) The transfer advise being No. E/17/2018 forwarded against the applicant by respondent no. 4 to respondent no. 5 is not tenable in the eye of law and as such the same may be quashed.

b) An order do issue directing the respondents to take appropriate steps for posting of the applicant as his earlier place of posting under respondent no. 4 at Andal, at an early date.

c) Costs and Incidentals

d) Such further order/orders and/or direction/directions as your lordships deem fit and proper. "

4. The case of the applicant, in nutshell, as submitted by Ld. Counsel is that the applicant, who is presently working as Loco Pilot (Goods)/DSL under Respondent

Wd

No.5, was served with a minor penalty charge sheet dated 12.06.2018 and, subsequently, was imposed with the punishment of penalty of withholding of ten sets of passes vide order dated 28.06.2018. The grievance of the applicant is that after imposition of such penalty, the applicant was also transferred from Andal to the office of Senior Section Engineer/Madhupur/Eastern Railway. Although, the applicant has claimed it to be a punitive transfer, he joined the said post. However, after joining, he made representation before the authorities to transfer him back to his earlier place of posting at Andal.

5. At the outset, Ld. Counsel for the applicant fairly submitted that although the applicant has preferred a representation dated 28.12.2018 (Annexure-A/3) before Respondent No.2 but till date no reply has been communicated to him. He further submitted that the grievance of the applicant may be more or less redressed if his representation is considered by Respondent No.2 taking into account the difficulties faced by the applicant with regard to illness of his daughter and other family members within a specific time frame.

6. Having heard Ld. Counsel for both 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/3, if the same has been filed and is pending for consideration, and pass a reasoned and speaking order as per rules and regulations within a period of six weeks from the date of receipt of copy of this order. I make it clear that while considering Annexure-A/3 representation, Respondent No. 2 will also keep in mind the genuine difficulties faced by the applicant with regard to illness of his daughter and other family members. 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 a period of two weeks.



-4-

7. With the aforesaid observation and direction, this O.A. stands disposed as
No costs.

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

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

(A.K. Patnaik)
Member(J)

RK/PS

