

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 59 of 2019

This the 6th day of February, 2019

Hon'ble Ms. Jasmine Ahmed, Member-J
Hon'ble Mr. Devendra Chaudhry, Member-A

Anand Kumar Mishra, aged about 37 years, S/o late Sri Janak Deo Mishra, R/o 71-A Railway Colony, District Hardoi

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Applicant

By Advocate : Sri Praveen Kumar

Versus.

1. Union of India through the General Manager, Northern Railway, Baroda House New Delhi.
2. The Divisional Railway Manager, Northern Railway Moradabad.
3. The Sr. Divisional Personnel Officer, Northern Railway, Moradabad.
4. Sr. Divisional Electrical Engineer/G, Northern Railway Moradabad.

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Respondents.

By Advocate : Ms. Prayagmati Gupta

O R D E R (Oral)

By Ms. Jasmine Ahmed, Member-J

Heard the learned counsel for the applicant as well as the learned counsel for the respondents and perused the pleadings available on record.

2. Learned counsel for the applicant states that vide order dated 29.1.2019 the applicant has been transferred from Hardoi to Hapur on administrative ground. It is contended by the learned counsel for the applicant that the transfer order of the applicant is completely against the verdict given by the Hon'ble Supreme Court in a catena of decisions wherein it has been held that before transferring any employee, his case be put up before the Transfer Placement Committee and on being recommended by the said Committee, the transfer order be issued by the competent authority. Learned counsel for the applicant states that this procedure has not been adhered to by the respondents while transferring the applicant from Hardoi to Hapur. He further submits that the applicant has been posted at Hardoi only in the year 2017 on being

medically de-categorized. On query, the learned counsel for the applicant states that the applicant did not prefer any representation against the transfer order dated 29.1.2019.

3. In view of the above, we direct the applicant to prefer a comprehensive representation against the transfer order dated 29.1.2019 for ventilating his grievances to the respondent no. no.3/competent authority within three days from the date of receipt of copy of this order and the respondent no.3/competent authority shall consider and decide the same within a period of 15 days from the date of receipt of such representation by passing a reasoned and speaking order in accordance with law under intimation to the applicant. Till the disposal of representation after being received, the order dated 29.1.2019 in so far as it relates to the applicant shall be kept in abeyance if the applicant has not already been relieved. It is made clear that nothing has been commented on the merits of the case. There shall be no order as to costs.

(Devendra Chaudhry)
Member-A

(Ms. Jasmine Ahmed)
Member-J

Girish/-