

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 042/00412/2018

Date of Order: This, the 12<sup>th</sup> day of December 2018

**THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER**

**THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER**

Dr. Stephen Kamson  
Son of Late Timothy Kamson  
Resident of Takyel Khongbal  
Maning Leikai, P.O. & P.S. – Lamphel  
Imphal (West), District – Imphal (West)  
Manipur, Pin – 795113.

...Applicant

By Advocates: Mr. A. D. Choudhury, Mr. B. Kalita, Mr. P. Dutta,  
Mr. D. Choudhury & Mr. T. Chakraborty.

-Versus-

1. The Union of India  
Represented by the Secretary  
To the Govt. of India  
Ministry of Railways, Rail Bhavan  
Raisina Road, Rajpath Area  
Central Secretariat, New Delhi – 110001.
2. The General Manager  
N.F. Railways, Maligaon  
Guwahati, District – Kamrup (M)  
Assam, Pin – 781011.

...Respondents

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**O R D E R (ORAL)**

**MANJULA DAS, JUDICIAL MEMBER:**

The applicant who is aggrieved by the malafide, arbitrary and illegal action of the respondents in transferring him to Badarpur by way of impugned order dated 04.12.2018 issued by the General Manager; N.F. Railways has preferred the instant O.A. seeking the following reliefs;

- “8.i To set aside and quash the impugned order dated 04.12.2018 issued by the respondent No. 2 and any action subsequent thereto.
- (ii) To direct the respondent authorities to allow the applicant to continue to serve in the post of Sr. DMO at Imphal.
- (iii) To direct the respondent authorities to consider the representation dated 06.12.2018 submitted to the respondent No. 2.
- (iv) To all the instant original application with cost.
- (v) To pass such further or other order (s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

2. Mr. A. Choudhury, learned counsel appearing on behalf of the applicant submitted that applicant is working as Senior Divisional Medical Officer at Imphal under the Ministry of Railways. Applicant's father died in the year 1989 and his

mother namely Sabina Kamson, aged about 96 years old is an ailing person and suffering from several age related illness inasmuch as she had a Cardio Vascular Accident resulting in stroke. His wife also died in the year 2016. In view of the above, applicant is the only person to look after his two daughters who are still students.

3. The learned counsel for the applicant further submitted that vide order dated 04.12.2018, the respondent No. 2 has sought to transfer the applicant from his present place of posting i.e. Imphal, Manipur to Badarpur against which the applicant submitted a detail representation on 06.12.2018 with a request to cancel the said transfer order dated 04.12.2018. In the said representation, applicant has also categorically stated about the medical condition of his mother. However, the said representation is still pending.

4. Accordingly, learned counsel for the applicant agreed and submitted before the BAR that he has no objection if a direction is issued to the respondents to dispose of the representation dated 06.12.2018 pending with the respondent No. 2 within a time frame and till such time, applicant shall not be disturbed from his present place of posting.

5. In view of the above, by accepting the prayer made by the learned counsel for the applicant and without going into the merit of the case as well as without issuing notice and hearing to the respondents, we direct the respondent authority more particularly respondent No. 2 i.e. General. Manager, N.F. Railways, Maligaon to dispose of the pending representation dated 06.12.2018 and pass a reasoned and speaking order within a period of three months from the date of receipt copy of this order. Till then, applicant shall not be disturbed from his present place of posting i.e. Imphal, Manipur.

4. It is made clear that whatever decision to be arrived by the respondent No. 2 shall be communicated to the applicant forthwith.

5. O.A. stands disposed of accordingly at the admission stage itself. No order as to costs.

**(N. NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**