

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **26th** day of **September**, 2019

Present :

Hon'ble Ms. Ajanta Dayalan, Member-A
Hon'ble Mr. Rakesh Sagar Jain, Member-J

Original Application No.330/00965/2019

Ajay Kumar Kulshrestha S/o J.P. Kulshrestha, R/o G-31, Gandhi Nagar Padav, Gwalior -474002, Presently working as Senior Section Engineer (Electrical) under Senior Electrical Engineer (North Central Railway), Rail Spring Karkhana, Sithouli, Gwalior.

.....Applicant.

By Advocate -Shri Bashist Tiwari

V E R S U S

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Assistant Personnel Officer, North Central Railway, Jhansi.
3. Mr. R.N. Yadav, Senior Electrical Engineer (North Central Railway), Rail Spring Karkhana, Sithouli, Gwalior.
4. Senior Divisional Electrical Engineer (General), North Central Railway, Jhansi.

..... Respondents.

By Advocate : Shri S.M. Mishra

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member-A :

Heard Shri Bashist Tiwari, counsel for the applicant and Shri S.M. Mishra, counsel for the respondents.

2. Learned counsel for the applicant states that the applicant has been transferred from Gwalior to Jhansi vide impugned order dated 03.07.2019 (Annexure-A-1). He also states that transfer order does not bear the approval of competent authority and does not follow the procedure laid down by the Hon'ble Apex Court in respect of transfers to be done by Government department. He further states that the applicant's name is not in the names of 10 employees who have been

transferred on promotion. He alleges that the order is not an administrative ground and it is with malafide intention. Learned counsel for the applicant is, however, not able to state as to since when the applicant has been continuing in Gwalior. He also fairly admits that the applicant is liable to be transferred within the zone as per his service condition.

3. At this stage, learned counsel for the applicant states that the applicant has made a representation dated 18.08.2019 (Annexure-A-8), which is still pending. He further states that he will be satisfied in case a direction is given to the respondents to consider and decide the representation of the applicant dated 18.08.2019 (Annexure-A-8)) in a time bound manner.

4. Learned counsel for the respondents has no objection to this limited prayer of the applicant.

5. In view of the limited prayer made by the counsel for the applicant and no objection from the respondents' counsel, we direct the competent authority amongst the respondents to consider and decide the representation of the applicant dated 18.08.2019 (Annexure-A-8), by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order. The order so passed shall be communicated to the applicant.

6. It is made clear that this order shall not be construed as any expression or opinion on the merits of the case.

7. In view of the above direction, the OA is disposed off. No costs.

Member-J

Member-A

RKM/