

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00826/16**

Date of Order: 29.05.2019

C O R A M

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Manoj Kumar Nirala, son of Sri Sheo Nandan Yadav, Assistant Loco Pilot, Gomoh under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
2. Bikesh Kumar Singh, Son of Sri Arjun Singh, Technician-III/Fitter, Patherdih under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.

.... **Applicants.**

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, PO- Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, PO- Hajipur, District- Vaishali (Bihar).
3. The Chief Electrical Engineer, East Central Railway, Hajipur, PO- Hajipur, District- Vaishali (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad (Jharkhand).
5. The Senior Divisional Electrical Engineer, East Central Railway, Dhanbad (Jharkhand).
6. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai.

.... **Respondents.**

By Advocate: - Mr. Bindhyachal Rai

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The request of the applicant is to direct the respondents to extend the same benefits as were extended by this Tribunal in its order dated 08.01.2015 passed in OA 207/2014 which was upheld by

Hon'ble High Court Ranchi on 03.11.2015. In this case and in similar cases in which orders were passed by this Tribunal the applicants therein had come on inter-division transfer from other railway zones to Danapur Division of E.C. Railway.

2. The respondents have denied the claim of the applicant. Besides other reasons, they have also stated that the applicant in this case had himself submitted his wiliness to Divisional Railway manager (P), West Central Railway, Jabalpur for being posted at any division of EC Railway on his own request transfer. They have produced such consent letter dated 07.08.2013 at Annexure R/2.

3. No rejoinder was filed on behalf of the applicant.

4. After going through the pleadings and hearing the arguments of learned counsel of both the parties, we find that the present case stands on a different footing than the cases cited by the applicant (OA 145/2015, OA 136/2014, OA 207/2014 and OA 211/2014) where apparently there was no such pleading on behalf of the respondents about the applicants having themselves consented for posting anywhere in the transferred zone. Therefore, the prayer of the applicant cannot be granted. The OA is accordingly dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member