

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTINGS: BILASPUR**

**Original Application No.203/00311/2019**

Bilaspur, this Thursday, the 21<sup>st</sup> day of November, 2019

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER**

1. Abhishek Chandra, S/o Late N.D. Singh, aged about 35 years, working as Sr ASM/SECR, O/o SS, Garha Railway Station, Jabalpur (M.P) 482003.

2. Shailesh Kumar, S/o Shri Janardan Prasad, aged about 34 years, working as Sr ASM/SECR, O/o SS, Ghanshore Railway Station, Seoni (M.P) 480997                      **-Applicants**

**(By Advocate – Shri A.V. Shridhar)**

**V e r s u s**

1. Union of India through the General Manager, South East Central Railway, New GM Building, Bilaspur, Chhattisgarh – 495004.

2. Principle Chief Personnel Officer, H/Q Personnel Department, First Floor, GM Office, South East Central Railway, Bilaspur (C.G) 495004.

3. Divisional Personnel Officer, South East Central Railway, Kingsway, Nagpur (M.H.) 440001

**-Respondents**

**(By Advocate – Shri Vivek Verma)**

**O R D E R (Oral)****By Ramesh Singh Thakur, JM:-**

Through this O.A the applicant is challenging the policy dated 22.09.2015 (Annexure A/1) whereby a comprehensive Transfer Policy/Inter Railways Transfer of non-gazatte staff has been issued whereby the pending and approved cases of Inter Railway Transfer pertaining to employees who have not completed five years of service have been treated to be cancelled.

2. The main ground of challenging of the impugned order are that as per Para 124 of IREC Volume I provides full powers to the General Managers to frame rules with regard to non gazette employees. However the term full powers would essentially mean that the power has to be exercise within the four corners of the constitutional set up and the same would not provide the rule make authority unfettered powers. Further the policy dated 22.09.2015 which provides for Inter Railway Transfer of non gazette staff in SECR is not in consonance with the interpretation

of policy dated 31.08.2015 accorded by the other Railway. It has been further submitted by the applicant that in view of the order passed by co-ordinate Ernakulam Bench in O.A. No.180/00561/2016 decided on 31.08.2015, the matter has been considered and has specifically held that the administrative instructions dated 31.08.2015 are prospective in nature and the residency period of five years is applicable only after 31.08.2015.

3. It has been submitted by the applicant that made representation Annexure A/5 which is pending before the respondent-department.

4. At this stage, learned counsel for the applicant submits that the applicant would be satisfied if the respondents/competent authority are directed to consider and decide the said representation in a time bound manner.

5. The prayer of the applicant is genuine especially to the fact that representation is pending before the respondents/competent authority. We feel that the natural justice would be met if the respondents/competent

authority are directed to decide the representation in a time bound manner.

6. Resultantly, respondents/competent authority are directed to decide the representation Annexure A/5 of the applicant within a period of 60 days after receiving the copy of this order.

7. Needless to say that we have not touched the merit of the case. It is made clear that the representation shall be decided by giving a reasoned and speaking order.

8. Accordingly, this Original Application is disposed of at admission stage itself. No costs.

**(B.V. Sudhakar)**  
**Administrative Member**

**(Ramesh Singh Thakur)**  
**Judicial Member**

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