

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/975/2019

Date of Order: 07.11.2019

Between:

Anthony Divya Raj, S/o. Late Selvaraj,
Aged about 39 years, Occupation: Helper-I, in the
O/o. SSE/Works, Nanded Division,
South Central Railway, Nanded, R/o. Flat No. 201,
Plot No. 10-3-153 & 154, Shirdi Sai Apartments,
Teachers' Colony, East Marredpally,
Secunderabad.

... Applicant

And

Union of India, rep. by

1. The General Manager,
S.C. Railway, Rail Nilayam,
Secunderabad.
2. The Principal Chief Engineer,
South Central Railway, Rail Nilayam,
Secunderabad.
3. The Divisional Railway Manager,
South Central Railway, Nanded Division,
Nanded.

... Respondents

Counsel for the Applicant ... Mr. K. Siva Reddy

Counsel for the Respondents ... Mr. S.M. Patnaik, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA has been filed challenging the inaction of the respondents in disposing of the representation dt. 21.10.2019 wherein the applicant has made a request for transfer from Nanded to Secunderabad.

3. Brief facts of the case, as narrated in the OA, are that the applicant was initially engaged as Substitute Bungalow Peon on 11.03.2003. Thereafter, his services were terminated for unauthorized absence on 03.08.2005 and on appeal, the said order was modified and he was reinstated on 25.05.2007. Subsequent to the reinstatement order, he approached the respondents on 22.08.2007 seeking orders of posting. Nevertheless, there being some dispute in sending him for medical examination, the matter was agitated before the Tribunal and had to be carried over to the Hon'ble High Court of Andhra Pradesh in WP No. 32918/2017 wherein the respondents were directed to provide Group D job to him. The said order was also confirmed by the Hon'ble Supreme Court. Even thereafter when the respondents have not given posting orders, applicant approached the Hon'ble High Court once again vide WP No. 18496/2019 and the Hon'ble High Court vide its order in IA No. 1/2019, directed the respondents to issue posting orders.

Later, the applicant was posted as Helper on 04.09.2019 in the Engineering Department of respondent Railways at Nanded. Due to ill-health of his children and also his health being poor, applicant represented for transferring him from Nanded to Secunderabad.

Applicant claims that there are vacancies at Secunderabad to accommodate him. Applicant apprehends that unless a direction is given by this Tribunal, his representation may not see the light of the day.

4. Heard both sides counsel and perused the material on record.
5. Learned counsel for the respondents stated that the representation of the applicant is as recent as 21.10.2019 and as per the statutory provisions of Administrative Tribunals Act, 1985, applicant needs to wait for six months before filing any OA before this Tribunal. Though the submission of the learned counsel for the respondents is acceptable to the extent of the provisions of the Administrative Tribunals Act, the fact remains that the applicant had to go through many legal battles to get his posting in which he is now working. Applicant also belongs to the lower rung of the administration and as claimed by him, his health as well as that of his children is poor. The cited circumstances, call for humane and early consideration of his transfer request by the respondents.
6. Considering the facts of the case, it would be appropriate and fair to direct the respondents to dispose of the representation of the applicant dt. 21.10.2019, within a period of 70 days from the date of receipt of this order, by issuing a speaking and well reasoned order.
7. With the above direction, OA is disposed of, at the admission stage itself, with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMIN.)**

Dated, the 7th day of November, 2019
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