

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

LIBRARY

No. O.A. 1319 of 2019

Date of order: 4.11.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Prahlad Kumar Prasad,
Son of Muneshwar Prasad,
Of 94/A, LBS Road,
Belur Bazar,
Howrah - 711 202.

Applicant

- VERSUS -

1. The Union of India,
Service through the General Manager,
Eastern Railway,
17, N.S. Road,
Fairlie Place,
Kolkata - 700 001.

2. The Principal Chief Personnel Officer,
Eastern Railway,
Having its office at
17, Fairlie Place,
Kolkata - 700 001.

3. The Divisional Railway Manager,
Sealdah Division,
Eastern Railway,
700 014.

4. Senior Divisional Personnel Officer,
Sealdah Division,
Eastern Railway,
700 014.

5. Senior Divisional Commercial Manager,
Sealdah Division,
Eastern Railway,
700 014.

.... Respondents

For the Applicant : Mr. A. Dutta, Counsel
Mr. S. Roy, Counsel

For the Respondents : Mr. N.D. Bandyopadhyay, Counsel

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ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

Aggrieved with the transfer order dated 19.6.2019 vide which the applicant has been transferred on administrative grounds, and, on the recommendation of the Vigilance from SPR to KNJ (Static), the applicant has approached the Tribunal praying for the following specific relief:-

- 8.1. To set aside and/or quash impugned order of transfer dated 19.6.2019 issued vide Office Order No. 142/2019 by Respondent No. 4.
 - 8.2. To pass a direction or directions upon Respondent Authorities not give effect or further effect to the impugned order of transfer issued dated 19.6.2019 till the completion of the Disciplinary proceedings.
 - 8.3. Show cause in terms of prayer 8.1 and 8.2 and after hearing the cause make the Rules absolute.
 - 8.4. A direction as to costs of the proceedings to the applicant.
 - 8.5. Any further order or orders, direction or directions as the Hon'ble Tribunal may seem fit and proper for the ends of justice."
2. Heard both Ld. Counsel, examined documents. The matter is taken up at admission stage for disposal.
3. The submissions of the applicant, as made through his Ld. Counsel, is that the applicant was appointed on 20.7.1987 as a Ticket Checker, and thereafter, transferred to Sonarpur in December, 2004. In 2010, he was temporarily posted at Kolkata and in May 2019 at Sealdah.

The applicant is presently on sick leave and, after receiving his purported punitive transfer order dated 19.6.2019, had represented on 29.8.2019 to the appropriate authorities but the authorities are yet to respond.

Ld. Counsel for the applicant would pray that the respondent authorities may be directed to issue a reasoned order in response to the representation of the applicant within a specified time frame.

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4. Ld. Counsel for the respondents does not object to disposal of the said representation in accordance with law.

5. Accordingly, with the consent of the parties, and, without entering into the merits of the matter, we hereby direct the respondent No. 5, who is the Sr. Divisional Commercial Manager, Sealdah Division, Eastern Railway, ^{and} to whom the representation has been addressed, to examine the contents of such representation in accordance with law and to issue a speaking and reasoned order on the same within a period of 8 weeks from the date of receipt of a copy of this order. The decision arrived at should be communicated to the applicant forthwith thereafter.

Till such time that the representation is disposed of, the applicant shall not be relieved from his present place of posting, if not so relieved earlier. In the event that the applicant has already been relieved from his present place of posting, no coercive action should be taken against the applicant till the disposal of his representation.

6. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP