

(2021) 06 CAT CK 0090

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00035 Of 2021

Jitendra Kumar Singh & Others

APPELLANT

Vs

General Manager, Southern Railway, Park Town PO, Chennai -
600 003 & Others

RESPONDENT

Date of Decision : 30-06-2021

Acts Referred:

Citation : (2021) 06 CAT CK 0090

Hon'ble Judges : P. Madhavan, J;K.V .Eapen, Member (A)

Bench : Division Bench

Advocate : Varkey, Martin, C.B. Sreekumar

Final Decision : Disposed Of

Judgement

P. Madhavan, Member J

1. The applicants have filed this Original Application seeking the following reliefs:

I) Direct the respondents to pass formal order of inter railway transfer of the applicants to Howrah and Malda Division of Eastern Railway

respectively and to relieve them within a reasonable time, so as to carry out the inter railway transfer approved by the competent authority.

II) Direct the respondents to assign the seniority of the applicants in the transferred division with effect from the date of approval of the competent

authority to accommodate the applicants in the respective divisions.

III) Grant such other relief, which this Honourable Tribunal may deem fit and proper in the circumstances of the case.

2. The applicants are working as Technicians Grade-III at Mangalore in Palaghat Division of Southern Railway. The competent authority has

approved the inter Railway one way transfer to Howrah and Malda Division of

Eastern Railway. The applicants are natives of State of West Bengal and they were appointed as Helper in Level-I in Palghat Division of Southern Railway and were posted at Mangalore in 2012. After completion of the residential period, applicants applied for inter-Railway transfer to Howrah and Malda Divisions respectively. They have produced their transfer applications as Annexures A1 and A2. On 6.8.2019 after getting approval of the competent authority for inter-Railway transfer the applicants forwarded their representations to 4th and 5th respondents. On 14.10.2019 the 4th respondent informed the 3rd respondent that the inter-Railway transfer of the 1st applicant was considered by the competent authority and a decision has been taken to accommodate him in Howrah Division (Annexure A4). Similarly, the 5th respondent also by letter dated 30.1.2020 expressed their willingness to accommodate 2nd applicant also in Malda Division. Despite the forwarding of the inter-Railway transfer applications and receipt of the willingness letters from the respective Divisions, no action is taken for relieving the applicants for joining in Eastern Railway. More than one year has elapsed. This has seriously prejudiced the interest of the applicants and their family members. There is no justification whatsoever in not relieving them from Palghat Division. The applicants have been running from pillar to posts to get the relieving order from the respondents. This Tribunal in OA No. 180/1040/2017 has allowed similar applications and therefore, the applicants seek to issue a direction to the respondents to formally order the transfer of the applicants to Howrah and Malda Divisions respectively and to relieve them in a reasonable time. They also requested for assigning the seniority of the applicants in the transferred Divisions with effect from the date of approval of the authority to accommodate them in the respective Divisions.

3. Notices were given and the counsel Shri Sunil Jacob Jose took notice on behalf of the respondents and sought time for instructions on 19.1.2021.

Thereafter the case was adjourned to 27.1.2021. The case was again adjourned to 28.1.2021 and Advocate Shri C.B. Sreekumar was present and proposed to appear for and on behalf of the respondents and filed the memo of appearance. Thereafter, the case was adjourned to 25.2.2021 and to 1.4.2021. But no reply is seen filed by the respondents till date. When the matter came up on 7.4.2021 there was representation for the respondents

and this Tribunal made it clear that if no reply is filed by the next hearing date the Tribunal will proceed ex-parte. Even today i.e. 24.6.2021 when the matter came up for hearing, no reply was filed. No MA was also filed seeking time for filing a reply statement.

4. Hence, we are compelled to pass an ex-parte order against the respondents. The respondents are directed to relieve the applicants on the basis of inter-Railway one way transfer which was approved by the competent authority as per Annexure A3 dated 6.8.2019 forthwith. The seniority of the applicants will be decided on the basis of the relevant rules and regulations issued by the concerned Railways.

5. The Original Application is disposed of accordingly. No order as to costs.