

(2019) 01 CAT CK 0022

In the Central Administrative Tribunal

Case No : Original Application No. 330, 16 of 2019

Ravindra Kumar Srivastava

APPELLANT

Vs

Union of India And Ors

RESPONDENT

Date of Decision : 08-01-2019

Acts Referred:

Citation : (2019) 01 CAT CK 0022

Hon'ble Judges : Ajanta Dayalan, J; Rakesh Sagar Jain, J

Bench : Division Bench

Advocate : A. K. Srivastava, S. M. Mishra

Final Decision : Disposed Off

Judgement

Ajanta Dayalan, J

1. Shri A. K. Srivastava, learned counsel for the applicant and Shri Shesh Mani Mishra, learned counsel for the respondents are present.

2. Counsel for the applicant states that his client has been transferred from Allahabad to Kanpur within last six-seven months of his service as he is due to retire on 30.06.2019. Counsel for the applicant states that applicant's daughter's marriage is fixed for 17. 01.2019. He states that the transfer order is against the Railway Board's own instructions which mentions that no transfer will be made within last two years of superannuation. In this regard he has made representation dated 20.12.2018, which is yet to be decided. However, in view of his daughter's marriage and his retirement, he requests for interim relief of staying the transfer order.

3. Counsel for the respondents states that the applicant has been transferred from Allahabad to Kanpur which is in the same zone and with the same Controlling Officer. Counsel for the respondents further states that applicant should join at the new place first and then seek relief. He also states that the department will take a view on the representation of applicant.

4. It is noted that the applicant has been transferred despite clear departmental policy of the Railway Board that the transfer of staff from one station to another, in the same grade, should not be made within two years of the date of superannuation.

5. In view of limited prayer made by counsel for the applicant, competent authority amongst the respondents department is directed to take a view on the representation dated 20.12.2018 of the applicant in view of their own transfer policy and the facts of the case by passing a reasoned and speaking order within a period of four weeks from the date of receipt of certified copy of this order, keeping in view their own transfer policy/guidelines and facts of the case. If case, the case of applicant is found otherwise they are free to make decision as per the correct facts. The transfer order of the applicant will remain stayed till the decision of the respondents.

6. Accordingly, O.A. is disposed of. No order as to costs.