
(2025) 01 CAT CK 1563

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 89 Of 2025

Virendra Kumar

APPELLANT

Vs

Union Of India Through General Manager, North Central
Railway, H.Q. Office, Subedarganj, Prayagraj & Ors.

RESPONDENT

Date of Decision : 27-01-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2025) 01 CAT CK 1563

Hon'ble Judges : Rajnish Kumar Rai, Member (J)

Bench : Single Bench

Advocate : Santosh Kumar Kushwaha, Chakrapani Vatsyayan

Final Decision : Disposed Of

Judgement

Rajnish Kumar Rai, Member (J)

1. Mr. Santosh Kumar Kushwaha, learned counsel for the applicant and Mr. Chakrapani Vatsyayan, learned counsel for the respondents are present and heard.

2. The present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking following relief(s):-

" (i) This Hon'ble Tribunal may be pleased to quash and set aside the impugned transfer dated 16.01.2025 (Annexure A-1 of OriginalApplication) with further direction to the respondents to allow the applicant to continue on his present place of posting.

(ii) Any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case may be given in favour of the applicant.

(iii) Award the costs of the original application in favour of the applicant."

3. The brief facts of the case are that the applicant is presently working as Senior

Section Engineer (Path Way), Idgah, North Central Railway , Agra. On 13.09.2024, the applicant, working as SSE (P. Way) at Idgah, Agra, was served a major penalty charge sheet, with an ongoing inquiry, while Shri Sudheer Kumar, similarly placed person, also faced a charge sheet and was recommended for transfer. In Dec. 2024, the applicant was elected as Branch President of N.C.R.M.U/NCR, Agra. On 16.01.2025, the applicant received a transfer order without administrative exigency or public interest, claiming it was an improper exercise of power. On 22.01.2025, Sudheer Kumar's transfer from Idgah was based on a Vigilance recommendation. However, on 24.01.2025, Sudheer Kumar's transfer order was cancelled, but the applicant's transfer remained unchanged. The applicant filed a representation dated 25.01.2025 to Respondent No. 1, claiming the transfer violated Railway Board's circular, but till date no response has been received, thus the applicant has filed the instant Original Application.

4. The submission of the learned counsel for the applicant is that the Railway Board itself has provided that in case of any dispute between the Division and the Divisional body of the Union concerning the transfer of a member of the recognized Union, the decision of the General Manager of the Zonal Railway shall be considered final. However, in the case of the applicant, this provision has not been adhered to, and the transfer order has been issued contrary to this protocol. Furthermore, the transfer of other similarly placed individuals, whose transfers were made based on the recommendation of the Dy. CVO, has been cancelled by the respondents. However, the same benefit has not been extended to the applicant in this matter

5. Learned counsel further submits that, on account of the transfer, the applicant has moved a representation dated 25.01.2025 before the respondent authority raising his grievance, which has not yet been decided.

6. Accordingly, learned counsel for the applicant submits that he will be satisfied if an order is passed directing the respondents to consider the pending representation of the applicant.

7. On the other hand learned counsel for the respondents submits that he has no objection if such direction is issued to decide the representation of the applicant as per rules.

8. Considering the facts of the case and the submissions made by learned counsel for the parties, this Court is of the opinion to dispose of this Original Application, at the admission stage itself with a direction to the respondents to decide the pending representation of the applicant dated 25.01.2025, considering the observations made above and in accordance with the extant rules. The respondents are directed to pass a reasoned and speaking order within three months from the date of receiving the certified copy of this order. The order passed on the aforesaid representation shall be communicated to the applicant forthwith.

9. It is made clear that I have not entered into the delay, laches and merit of the claim of the applicant. All points are open for consideration by the respondents.

10. Accordingly, O.A. is disposed of. No costs.