

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A./155/2022 (Guwahati)

Date of Order: 20.07.2022

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

In the matter of :

Sri Hari Singh, aged about 54 years, Son
of Late Ram Kumar, presently resident
of Q. No. 458, Nambari, Railway officers'
Colony, Maligaon, Guwahati-781011.
Email: harisinghrly@gmail.com Ph.-
7085056736

..... Applicant.

-Versus-

1. Union of India, Represented by the Secretary, Railway Board, Ministry of Railways, Government of India, New Delhi- 110006.
2. The Railway Board, Represented by its Secretary, Ministry of Railways, Government of India, New Delhi- 110006.
3. The Under Secretary- ii/E(O) iii, Railway Board, Ministry of Railways, Govt. of India, New Delhi- 110006.
4. The Member, Infrastructure, Railway Board, Ministry of Railways, Government of India, New Delhi- 110006.
5. The Executive Director (L&A)(OSD to Member Infra) Railway Board, Ministry of Railways, Government of India, New Delhi-110006.
6. The Director Establishment (SPL.) Railway Board, Ministry of Railways, Government of India, New Delhi- 110006.



7. The General Manager, N.F. Railway, Maligaon, Guwahati-781011.

8. The General Manager (Construction), N.F. Railway, Maligaon, Guwahati-781011.

ë .Respondents

For The Applicant(s) : Mr. U.K. Nair, Sr. Adv.

For The Respondent(s) : Mr. V.K. Bhatra, Sr. CGSC

ORDER (O R A L)

Per: Ms. Bidisha Banerjee, Member (J):

Heard Ld. Counsels for the parties.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, praying for the following relief:-

“(a.) To quash and set aside the impugned order dated 14.07.2022 [Annexure-A/1] issued by the respondents and grant all consequential benefits.

(b.) To direct the respondent to forbear from giving effect to the impugned order dated 14.07.2022 [Annexure-A/1] and consider his posting in any of the following preference given by the applicant i.e. (1) North Western Railway, (2) Western Railway, (3) Northern Railway & (4) Central Railway.

(c.) Cost of the application.

(d.) Pass any such order/orders as Your Lordships may deem fit and proper.”

3. The applicant an IRSE Officer of 1995 batch who was initially allotted N.F. Railway is at present holding the post of ADRM/LMG at Guwahati since 2019. Having completed his tenure, he was due for transfer. He exercised his choice against the following railways:-



(i) North Western Railways, (ii) Western Railways, (iii) Northern Railways & (iv) Central Railways. He is aggrieved as in terms of options exercised on 27.06.2022 as in Annexure-A/5, his placement has not been considered.

By an order dated 07.07.2022, he was temporarily posted as CE/Con-8/MLG vice Sri Sanjay Prasad Singh who was relieved for Southern Railway. There was a handing over and taking over note dated 11.07.2022 in view of such temporary transfer dated 07.07.2022 as in Annexure-A/7. The applicant had reported against the post of Chief Engineer/Con-8 on 11.07.2022. The applicant submits that in terms of the instructions dated 16.04.2018 as in Annexure-A/9 of the Board, officers requesting for transfer out of N.F. Railway/ N.F. Railway (Construction) are required to submit 3 choices of railways/units which are not located at the same station. Accordingly, he had exercised his choice against four different railways keeping the choice wide open for the respondents to transfer him to any of the four railways.



Further, in terms of a clarification dated 14.05.2018 as in Annexure-A/10, order of transfer of officers out of N.F. Railway would be issued by Board before date of completion of the tenure (8 years or 3 years, as the case may be) and for the purpose, the options for transfer duly indicating the 3 choices of railways/units (which are not located at the same station) may be obtained from the officers three months prior of completion of their tenure at N.F. Railway/ N.F. Railway (Construction).

The applicant having exercised his choice against four different railways was under an expectation of being posted against suitable post in any of such railways for which options were exercised. However, he was utterly shocked to receive an order dated 14.07.2022, issued by Ministry of Railways, that in partial modification of Board's order of even number dated 15.03.2022 transferring one Shri Sanjay Banerjee to East Central Railway. Sri Hari Singh, the present applicant, SAG/IRSE/NF Railway should be transferred to East Central Railway and posted in the cadre. The applicant alleges that such transfer order is in violation of the instructions as contained in Annexure-A/9 dated 16.04.2018 and issued to accommodate the said Sanjay Kumar Banerjee in defiance of their own instructions.



4. Ld. Counsel for the applicant would strenuously urge that the respondents have nowhere indicated non-availability of suitable posts in the said four Railways for his posting. Therefore, the transfer order should be quashed and the applicant should be directed to be placed in any of the four railways as per the choice he has exercised. A representation to that effect is pending against his transfer from NFR to ECR preferred to the Member Infrastructure, Railway Board.

Ld. Counsel for the applicant at hearing would however submit that his client will be satisfied if a direction is issued to the said respondents being respondent No. 4 to consider the representation in the light of the instructions dated 16.04.2018 and clarification dated 14.05.2018 with issuance of an appropriate order placing the applicant in any of the four railways against a suitable position.

5. Ld. Counsel for the respondents does not appear to have any objection if the representation is directed to be considered. Accordingly, the O.A. is disposed of with a direction upon respondent No. 4 i.e. Member Infrastructure, to consider the representation in the light of the instructions, given the fact that the applicant is not opposing the transfer to any place but he is ready to be transferred to any of the four railways.

6. Therefore, in due consideration of his prayer, let an appropriate order be issued within a period of four weeks. Till such time, the applicant if not yet released, be not released and if released, be not compelled to join the place of transfer.

7. With the above directions, the present O.A. stands disposed of.
No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

AP