

Abhimanu Yadav Vs Union Of India & Others

Court: Central Administrative Tribunal - Allahabad Bench, Allahabad

Date of Decision: Jan. 7, 2025

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

Bench: Single Bench

Advocate: Rakesh Kumar Dixit, Chakrapani Vatsyayan

Final Decision: Disposed Of

Judgement

Rajnish Kumar Rai, Member (J)

1. Shri Rakesh Kumar Dixit counsel for the applicant and Shri Chakrapani Vatsyayan, counsel for the respondents are present and heard.

2. The instant original application has been filed seeking following reliefs: -

Ã¢â€(i) This Hon'ble Tribunal may be pleased to quash and set aside the proceeding of mutual transfer and acceptance of mutual transfer of

applicant dated 19.12.2024 and further direct the respondents to allow the applicant to continuously work on his present place of posting

i.e. pointsman-B, Baad Yard, North Central Railway, Agra Division, Agra.

(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

applicants.

(iii) Award the costs of the original application in favour of the applicant.Ã¢â€

3. The brief facts of the case are as follows: The applicant was initially appointed as a pointsman in the respondents' department on 10.07.2023. Being

an ex-serviceman, the applicant had retired from the Indian Army. Due to family reasons, the applicant submitted an application for mutual transfer

from North Central Railway, Agra Division, to Central Railway, Bhusawal Division, as his wife and children were residing in Surat for their studies.

This application was submitted on 03.04.2024. Before the mutual transfer request could be accepted, the applicant submitted an application for its

cancellation on 27.11.2024. He informed the respondents that he wished to withdraw his transfer request in order to care for his ailing, elderly parents

who were residing with him. Additionally, his family had relocated to his residence in Deoria, near Agra, thereby eliminating the need for the mutual

transfer. On 04.12.2024, the applicant's wife also submitted a representation to the respondents, requesting the cancellation of the mutual transfer

application.

4. Subsequently, on 21.12.2024, the applicant submitted an application under the Right to Information Act, seeking details regarding the cancellation of

his mutual transfer request. However, no response was provided. On 23.12.2024, the applicant submitted another detailed representation to the

respondents, reiterating his request for cancellation of the mutual transfer and explaining the circumstances behind the request. Despite these efforts,

the respondents failed to consider his application for cancellation. To the applicant's surprise, on 19.12.2024, the respondents accepted his mutual

transfer request without giving due consideration to his cancellation application. The applicant contends that this action by the respondents is in gross

violation of the relevant rules. The respondents, before accepting the mutual transfer request, did not consider the applicant's repeated representations

for its cancellation. The mutual transfer was accepted arbitrarily and illegally, without due regard for the applicant's requests, which were

submitted well in advance of the acceptance.

5. Currently, the applicant is serving as Pointsman-B at Baad Yard, North Central Railway, Agra Division, and has not been relieved from his position.

Similarly, respondent No.6 has also not been relieved to date. The respondents' actions are alleged to be illegal, arbitrary, and unsustainable in the

eyes of the law. They failed to address the applicant's representations, ignored his cancellation application, and did not take into account that the

original reason for the mutual transfer no longer exists. Aggrieved by this inaction, the applicant has filed this case (OA).

6. Counsel for the applicant submits that the applicant will be satisfied at this stage if the respondent concerned is directed to decide the representation

dated 27.11.2024 submitted by applicant in a time-bound manner and to allow the applicant to continuously work on his present place of posting i.e.

pointsman-B, Baad Yard, North Central Railway, Agra Division, Agra.

7. On the other hand, the counsel for the respondents strongly opposed the contention of the applicant's counsel and requested time to seek

instructions from the department.

8. In view of the limited prayer made by the applicant's counsel, no fruitful purpose would be served by keeping the matter pending. Accordingly,

the OA is disposed of at the admission stage itself, with a direction to the competent authority among the respondents to consider and decide the

applicant's pending representation dated 27.11.2024, considering the cancellation of the transfer order of Respondent No. 6, by passing a reasoned

and speaking order within two months from the date of receipt of a certified copy of this order. Until the representation is disposed of, the

applicant shall not be disturbed from the current place of posting, i.e., Pointsman-B, Baad Yard, North Central Railway, Agra Division,

Agra. The order passed on the aforesaid representation shall be communicated to the applicant forthwith.

9. It is made clear that this Tribunal has not entered into the merits of the case. No order as to costs.

10. All pending M.As, if any, shall be treated as disposed of. The registry will take appropriate action in this regard for removing the M.As.