

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12706 of 2016

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1. The Union of India, through the General Manager, East Central Railway, Hajipur, Vaishali.
 2. The General Manager (Personnel), E.C. Railway, Hajipur, Vaishali.
 3. The Divisional Railway Manager, Danapur Division, East Central Railway, Danapur.
 4. The Senior Divisional Personnel Officer, Danapur Division, East Central Railway, Danapur.
 5. The Senior Divisional Commercial Manager, Danapur Division, E.C. Railway, Danapur.

.... Petitioner/s

Versus

1. Vinay Kumar Singh son of Yogendra Prasad Singh Resident of Shershah Road, Gur Ki Mandi, Gulzarbagh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Adv.
Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 20-06-2017 Heard learned counsel for the Railways as well as learned counsel for the private respondent.

After having perused the impugned order, dated 31.07.2015, passed by the Central Administrative Tribunal, Patna Bench, Patna in O.A. No. 13 of 2015, the Court is of the opinion that the tribunal rightly quashed the stale order of transfer which was not acted upon for almost 8 to 9 years. The date of order of transfer is dated 13.02.2008.



The tribunal has given valid reasons for setting aside the order dated 29.12.2014, which has the effect of reviving the order of transfer dated 13.02.2008.

To that extent, writ application is required to be dismissed and no interference is warranted with the impugned order.

Counsel representing the private respondent, however, submits that he is willing to get transferred but within Danapur Division and not beyond the division as his post of commercial clerk is a divisional cadre.

With the stand, which has been taken on behalf of the counsel for the private respondent, the controversy should be put to rest. It will be open to the competent authority to pass an order of transfer of the private respondent, if they are still interested in doing so, but within the divisional cadre and not beyond.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

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