

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5243 of 2020**

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1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.- Hajipur Dist.- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Hajipur, Dist.- Vaishali (Bihar).
3. The Chief Electrical Engineer, East Central Railway, Hajipur, P.O.- Hajipur, Dist.- Vaishali (Bihar).
4. The Senior Divisional Personnel Officer, East Central Railway, Dhanbad (Jharkhand).
5. The Senior Divisional Electrical Engineer, East Central Railway, Dhanbad (Jharkhand).
6. The Senior Divisional Personnel Officer, East Central Railway, Danapur, P.O. Khagaul, District- Patna (Bihar).
7. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai.

... .. Petitioner/s

Versus

1. Raju Kumar, Son of Sri Kishor Prasad, Assistant Loco Pilot, Gomoh Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
2. Zafar Ahmad, Son of Abdul Samad, Assistant Loco Pilot, Gomoh Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
3. Binod Kumar, Son of Sri Ram Narayan Prasad Yadav, Assistant Loco Pilot, Gomoh Under Senior Divisional, Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
4. Md. Ehteshamuddin, Son of Md. Nezamuddin, Assistant Loco Pilot, Gomoh Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
5. Md. Talsim Jawed, Son of Md. Islam, Assistant Loco Pilot, Gomoh Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Dr. Anand Kumar, Advocate<br>Mr. Pradeep Kumar, Sr. CGC<br>Ms. Punam Kumari Singh, CGC                               |
| For the Respondent/s | : | Mr. Munna Pd Dixit (M.P. Dixit)<br>Mr. S.K. Dixit, Advocate<br>Mr. S.K. Chaubey, Advocate<br>Mrs. Swastika, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 04-07-2022**

Heard learned counsel for the parties.

2. In the instant petition, petitioner – Railway Department have questioned the validity of the order dated 29.05.2019 passed in O.A. No. 709 of 2016 by the Central Administrative Tribunal, Patna Bench, Patna (for short ‘Tribunal’)

3. Respondent Nos. 1 to 5 have requested for transfer to a particular Division while giving up certain service benefits including seniority as is evident from the application form/Proforma. On the other hand, petitioner – Railway Department did not consider the grievances of the respondents to transfer to a particular Division, viz. to Danapur, Samastipur and Mugalsarai and it was subject matter of litigation before the Tribunal. Their applications were allowed, hence, the petitioner – Department presented this petition.

4. Respondent Nos. 1, 2 and 4 were sought for transfer to Danapur Division, respondent No. 3 sought for Samastipur Division and respondent No. 5 sought for Mugalsarai Division. Their requests have been turned down and they were posted to Dhanbad Division.



5. Today in the morning session we have decided identical matter in C.W.J.C. No. 4895 of 2020 wherein we have taken note of policy decision of the petitioner – Department in respect of request transfer. In fact Proforma/application form itself provides that own request and placed at the bottom of seniority in a particular cadre. Therefore petitioners have not adhered to the request transfer policy in considering respondents' grievance. Hence, respondents have made out *prima facie* case before the Tribunal.

6. In the light of the decision passed in C.W.J.C. No. 4895 of 2020, dated 04.07.2022, the present petition stands dismissed.

**(P. B. Bajanthri, J)**

**( Rajiv Roy, J)**

GAURAV S./-

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