

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5270 of 2020

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, District- 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).

... .. Petitioner/s

Versus

1. Madhusudan Kumar Son of Sri Yogendra Sharma Assistant Loco Pilot, Gomoh, Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.
2. Shailendra Kumar Son of Sri Krishna Prasad Assistant Loco Pilot, Patherdih, Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Anand Kumar, Advocate
For the Respondent/s	:	Mr. Munna Pd Dixit (M.P. Dixit), Advocate
		Mr. SK Dixit, Advocate
		Mr. S.K. Chaubey, Advocate
		Mrs. Swastika
For UOI	:	Mrs. Renuka Sharma, Advocate
		Mr. Samir Kumar, Advocate

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. 489 of 2016 by the Central Administrative Tribunal, Patna Bench, Patna (for short ‘Tribunal’)

3. Respondent Nos. 1 and 2 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 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 and 2 were sought for transfer to Danapur 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./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2022
Transmission Date	

