

Court No. - 8

Case :- WRIT - A No. - 8671 of 2022

Petitioner :- Akhilesh Kumar Yadav

Respondent :- Union Of India Ministry Of Railways New Delhi Thru. Its Secy. And 3 Others

Counsel for Petitioner :- Ratnesh Chandra

Counsel for Respondent :- A.S.G.I.

Hon'ble Alok Mathur,J.

1. Heard learned counsel for the parties and perused the record.
2. The petitioner has approached this Court assailing the order of transfer dated 12.12.2022 whereby he has been transferred from Northern Railway (Lucknow Division) to South Central Railway on administrative grounds.
3. It has been submitted by the learned counsel for the petitioner that the petitioner is working on the post of Inspector, Barabanki, R.P.F. Northern Railway and he was alleged to have been involved in criminal case and was trapped by the CBI on 04.12.2021. The petitioner was taken into custody on 04.12.2021 and criminal proceedings were also initiated against him and criminal case was registered by the CBI as case no. RC0062021A0014 on 04.12.2021 under Section 7 of Prevention of Corruption Act, 1988. Disciplinary proceedings were also been initiated against the petitioner and a charge sheet dated 03.3.2022 has also been issued. It has further been stated that petitioner has obtained bail on 22.11.2022 and after his release he has made application to the competent authority for being permitted to join on the post which he was holding previously. His application has been allowed and suspension order has been revoked and the petitioner has been reinstated in service vide order dated 12.12.2022. Learned counsel for the petitioner submits that after his joining, the impugned order has been passed transferring him into South Central Railway, which order has been assailed in the present writ petition. He submits that his transfer to South Central Railway shall adversely prejudice him in criminal trial as well as disciplinary proceedings against him as both the matters are being proceeded against him at Barabanki, while he has been transferred to far off place in South Central Railway, and it will be very difficult for him to take leave on every date in order to be present on each date of the proceeding and to defend himself.
4. Shri S.B. Pandey, learned counsel for respondents informed

this Court that the disciplinary proceedings would also be transferred to South Central Railway and, consequently, the petitioner would not be prejudiced by his transfer.

5. After arguing at some length, learned counsel for the petitioner submits that grievance of the petitioner shall be substantially redressed in case all his grievances regarding impugned order of transfer are adequately considered by respondent no.4 and decided by reasoned and speaking order.

6. Shri S.B. Pandey, learned Senior Advocate does not object to the prayer made by the learned counsel for the petitioner in this regard.

7. In light of the above, the petition is **disposed** of with the liberty to the petitioner to move fresh representation to respondent no.4 in this regard within ten days from today. In case such a representation is moved by the petitioner the respondent no.4 shall proceed to consider and decide the same within a period of two weeks thereafter in accordance with law by a reasoned and speaking order and communicate the decision to the petitioner. Till the decision is taken by the Railway Board no coercive action shall be taken against the petitioner in pursuance to the order of transfer dated 12.12.2022.

Order Date :- 22.12.2022
mks/RKM.

(Alok Mathur, J.)