

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.65 of 2023

In
Civil Writ Jurisdiction Case No.4895 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).

... .. Petitioner/s

Versus

Narendra Kumar Son of Sri Hari Nandan Prasad, Assistant Loco Pilot- II, Under Senior Divisional Electrical Engineer, East Central Railway, Dhanbad Division, District- Dhanbad (Jharkhand).

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tuhin Shankar, CGC
		Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr.

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

Date : 12-07-2023

The present civil review is filed for reviewing the order dated 04.07.2022 passed in C.W.J.C. No. 4895 of 2020.

2. The one and only contention raised by the review petitioner is that he is entitled to invoke Clause II of Proforma B of South East Central Railway cited in the original order.

Clause II of Proforma B reads as under:-



"(II) I shall accept posting at any station/Office/Division of the Railway to which I shall be transferred."

3. The petitioner-department is stated to have invoked the aforesaid Clause insofar as transferring the respondent- Narendra Kumar, contrary to his request. The aforementioned Clause II is attracted in such of those cases where department *suo motu* transfers an employee from one division to another division and not in respect of request transfer made by an employee and thereafter the same has been altered *suo motu* by the petitioner-department and it is disadvantage to the respondent- Narendra Kumar, in other words, his request transfer from one division to another division should have been rejected and thereafter proceeded to transfer him to a division which is disadvantage to him or without his request.

4. In the light of these facts and circumstances, no case is made out to recall the order dated 04.07.2022 passed in C.W.J.C. No. 4895 of 2020 and review the order.

5. Accordingly, the present civil review stands rejected.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

rakhi/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	17.07.2023
Transmission Date	N.A.

