

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3695 of 2024

1. Gyan Prakash S/o Late Sukhdeo Sah, Resident of Mohalla - Brahampura, P.O. - M I T, P.S. - Brahampura, District - Muzaffarpur - 842003. At present under orders of temporary Transfer from Muzaffarpur Lobby to Barauni Lobby while holding the post of Loco Pilot Passenger.
2. Ramesh Kumar No. - III, S/o Late Indrajeet Singh, Resident of Village - Muzaffarpur Kamtaul, P.O. - Anant Kamtaul, P.S. - Kurhani, District - Muzaffarpur. 844120. At present under orders of temporary Transfer from Muzaffarpur Lobby to Barauni Lobby while holding the post of Loco Pilot Passenger.
3. Saket Kumar, S/o Sri Ratnesh Jha, Resident of village and P.O. - Madhopur, Via - Majhauria Estate, District - Sitamarhi. 843322. At present under orders of temporary Transfer from Muzaffarpur Lobby to Barauni Lobby while holding the post of Loco Pilot Passenger.
4. Harmesh Kumar, S/o Sri Suresh Prasad Sahni, Resident of Mohalla - Pamaria Tola Brahampura, P.O. - M.I.T. P.S. - Brahampura, District - Muzaffarpur. 842003. At present under orders of temporary Transfer from Muzaffarpur Lobby to Barauni Lobby while holding the post of Loco Pilot Passenger.
5. Shiv Sagar Kumar, S/o Late Debak Das, Resident of Village and P.O. - Morsand (Bahadurpur), P.S. - Pusa, District - Samastipur. 848115. At present under orders of temporary Transfer from Muzaffarpur Lobby to Barauni Lobby while holding the post of Loco Pilot Passenger.

... .. Petitioner/s

Versus

1. The Union of India Through the General Manager, East Central Railway Hajipur, P.O. - Digghi Kalan, P.S. - Hajipur, District - Vaishali At Hajipur - 844101.
2. The Pr. Chief Personnel Officer, East Central Railway, Hajipur, P.O. - Digghi Kalan, P.S. - Hajipur, District- Vaishali At Hajipur - 844101.
3. The Divisional Railway Manager, E.C. Railway, Sonpur-841101.
4. The Divisional Railway Manager (Personnel), E.C.Railway, Sonpur-841101.
5. The Sr. Divisional Personnel Officer, East Central Railway, Sonpur-841101.
6. The Divisional Personnel, East Central Railway, Sonpur-841101.
7. The Sr. Divisional Electrical Engineer (OP), East Central Railway, Sonpur-841101.
8. The Chief Crew Controller, Diesel Lobby, East Central Railway, Muzaffarpur - 842001.
9. The Chief Crew Controller, Diesel Lobby, East Central Railway Barauni - 851112.
10. Respondents Second Set (In Representative Capacity) Shri Sanjay Kumar, LP/Goods. Now on promotion to LP/Passenger vide order dated 30.11.2023,



posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur 842001.

11. Shri Awadhesh Kumar, LP/Goods, Now on promotion to LP/Passenger vide order dated 30.11.2023, posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur - 842001.
12. Shri Ranjan Kumar, LP/Goods, Now on promotion to LP/Passenger vide order dated 30.11.2023, posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur - 842001.
13. Md. Kalimullah, LP/Goods, Now on promotion to LP/Passenger vide order dated 30.11.2023, posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur, 842001.
14. Shri Babu Lal Das, LP/Goods, Now on promotion to LP/Passenger vide Order dated 30.11.2023, posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur 842001.
15. Shri Jay Nath Kumar Roy, LP/Goods, Now on promotion to LP/Passenger vide Order dated 30.11.2023, posted at Muzaffarpur Lobby, East Central Railway, Muzaffarpur 842001.
16. Shri Vinod Kumar Mahto, LP/Goods, Now on promotion to LP/Passenger vide Order dated 30.11.2023, posted at Muzaffarpur Lobby, E C Railway, Muzaffarpur, 842001.
17. Shri Sanjay Kumar, LP/Goods, Now on promotion to LP/Passenger vide Order dated 30.11.2023, posted at Muzaffarpur Lobby, E C Railway, Muzaffarpur, 842001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Dr. Krishna Nandan Singh, Sr. Advocate (ASG-I)
		Mr. Maurya Vijay Chandra, Advocate, CGC
		Mr. Devansh Shankar Singh, Advocate
		Mr. Shivaditya Dhari Singh, JC to ASG-I

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-06-2024

Petitioners have assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “CAT”) dated 12.01.2024 passed in O.A. No. 050/007 of



2024. The petitioners were working as Loco Pilot (Passenger) in Muzaffarpur Lobby and their services have been transferred to Barauni Lobby. Feeling aggrieved by the stated to be temporary transfer, they invoked Section 19 of the Administrative Tribunal Act, 1985 in filing O.A. No. 050/007 of 2024. The CAT proceeded to reject their application with reference to Railway Master Circular and it relates to transfer on temporary post. Feeling aggrieved by the order of the CAT, the present writ petition is presented. The matter was heard from time to time and number of affidavits, counter affidavits and supplementary affidavits have been filed.

2. Core issue involved in the present *lis* is that petitioners were regular holder of the post of Loco Pilot (Passenger) and their services have been drafted to Muzaffarpur Lobby. Simultaneously, feeder cadre employees have been granted promotion to the post of Loco Pilot (Passenger) and they have been accommodated in Muzaffarpur Lobby. In this backdrop, the petitioners' services have been dispensed on temporary basis and posted to Barauni Lobby. The petitioners' counsel vehemently contended that such of those promotees could have been transferred to Barauni Lobby, on the other hand, in order to accommodate them, petitioners have been displaced. It is also



submitted promotees before their promotion, they were working in the feeder cadre to Loco Pilot Passenger in Muzaffarpur Lobby. Therefore, they have been accommodated in Muzaffarpur Lobby even on promotion.

3. Respondents could not apprise this Court as the number of vacant posts of Loco Pilot (Passenger) were 22. Upon temporary transfer of petitioners and promotion of some of the persons resulted in filling up of all the 22 vacancies or posts earmarked for Muzaffarpur Lobby or were there any excess. Further, they have not apprised as to why petitioners are liable to be transferred on temporary basis. No specific reasons have been assigned to the extent that they are more efficient and their services are required at Barauni Lobby on temporary basis in the public interest. Time and again, Courts have held that administrative and executive orders must be supported by reasons, for the reasons that if any administrative or executive order are amenable to judicial review, in such an event it is necessary to assign reasons as to why among 22 persons, petitioners have been picked up for temporary transfer, recent promotees were not transferred to Barauni Lobby, therefore, the petitioners have made out a case so as to interfere with the order of the CAT dated



12.01.2024 as well as impugned action of the Railways and they are set aside.

4. At this stage, learned counsel for the respondents, on instruction, submitted that among the six persons, one of the petitioner who had reported at Barauni Lobby has been taken back to duty after his relieving from the Barauni Lobby. It is also submitted, on instruction, that in the event of remaining petitioners reported at Barauni Lobby and formally relieving from Barauni lobby, in that event, Muzaffarpur officials will accept duty report of the petitioners, this may be administrative formality, however, in order to give *quietus* to the litigation, the competent authority at Muzaffarpur is hereby directed to accept the duty report of the petitioners forthwith without there being a formality of petitioners reporting at Barauni Lobby and get themselves relieved, this exercise would take few more days. In order to avoid such exercise and in the interest of railway service, officials at Muzaffarpur / competent authority is hereby directed to accept the duty report of the petitioners forthwith and assign appropriate duty / postings at Muzaffarpur Lobby.

5. The intervening period from the date of transfer till acceptance of duty report shall be examined and regulated on the petitioners' representation as leave at their credit, if it is available



with each of the petitioner, for the reasons that in the absence of any interim order against the transfer order by the CAT, in all fairness, the petitioners should have reported at Barauni Lobby subject to outcome of the litigation. Nodoubt, we have granted *status quo* as on the date of admission of the present CWJC, however, having regard to the fact that the petitioners have not reported at Barauni Lobby, *status quo* has resulted in either their services were in Muzaffarpur or Barauin Lobby, therefore, the concerned authority is hereby directed to regulate the intervening period as leave at their credit upto the date of status quo and for remaining period of duty. To that effect, order shall be passed by the competent authority within a period of three months from the date of receipt of copy of this order and communicate the decision to each of the petitioner.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.06.2024
Transmission Date	NA

