

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14733 of 2024

Dr. Shailendra Kumar Son of Late Shiv Narayan Prasad, Senior Divisional Medical Officer, Divisional Railway Hospital, East Central Railway, Danapur, District- Patna, Resident of Azad Nagar, Mohanpur, P.S.- Memorial Mehta Hospital, Samastipur- 848101 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through The General Manager, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali, Pin- 844101 (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), District- Vaishali, Pin- 844101 (Bihar).
3. The Chief Medical Director, East Central Railway, Hajipur, P.O. - Digghi Kalan, P.S. - Hajipur (Sadar), District- Vaishali, Pin- 844101 (Bihar).
4. The Divisional Railway Manager, East Central Railway, Danapur, District- Patna- 801505 (Bihar).
5. The Chief Medical Superintendant, East Central Railway Hospital, Danapur, District- Patna- 801505 (Bihar).
6. The Senior Divisional Personnel Officer, East Central Railway, Danapur, District- Patna- 801505 (Bihar).
7. The Chairman Cum Chief Executive Officer, Ministry of Railway, Railway Board, Rail Bhawan, New Delhi- 110001.
8. The Secretary, Railway Board, Ministry of Railway, Rail Bhawan, New Delhi- 110001.
9. The Director General, Indian Railway Health Services, Ministry of Railway, Railway Board, Rail Bhawan, New Delhi- 110001.
10. The Director, Establishment (SPL.), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi- 110001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Munna Pd Dixit (M.P. Dixit), Advocate Mr. Sanjay Kumar Dixit, Advocate Mr. Sanjay Kumar Chaubey, Advocate Mr. Shailendra Kumar, Advocate Mr. Punit Ranjan Dixit, Advocate Mr. Milind Raj Dixit, Advocate Ms. Swarnika Singh, Advocate
For the Respondent/s	:	Mr. Bindhayachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT



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

Date : 18-03-2025

The present writ petition is filed against interim order passed by the CAT, Patna Bench, Patna in OA No. 050/00731 of 2024.

2. On 24.09.2024, we have passed the following order:-

“The petitioner has assailed the order dated 05.09.2024 passed in Original Application No. 050/00731 of 2024 of the CAT insofar as decline to grant interim order against the transfer order dated 08.08.2024. Perusal of transfer order at Annexure-A/1 dated 08.08.2024, no reasons have been assigned as to why petitioner has been pre-maturely transferred from East Central Railway to Northeast Frontier Railway. Administrative order must be reasoned one, when it is amenable to judicial review. 2. That apart on 05.09.2024, before the Central Administrative Tribunal, Patna Bench, Patna learned counsel for the respondents have taken various contentions which have been recorded by the Central Administrative Tribunal at Para 3. Para 3(iv) reads as under:-

“3(iv). He further avers that he has received instruction from respondents that there is cogent reasons for transfer in such a short period of time. A Committee of three officers had been constituted by the respondent authorities to enquire into the past conduct of applicant that has resulted in this transfer on the administrative ground. Applicant’s attendance is also irregular. So an administrative decision to transfer him has been taken by the competent authority and they are well within their rights to do so for better administrative.”

[Underline Supplied]

3. Prima facie, transfer has been effected pre-maturely on the score of certain alleged allegations relating to past and present mis-conducts. Therefore, petitioner has made out a case for granting interim order; accordingly, the concerned respondents are hereby



directed not to give effect to the transfer order dated 08.08.2024 till next date of hearing. If he has been relieved as on today, in that event he shall be put back to post held by him as on 08.08.2024.

4. Respondents are hereby directed to file their counter affidavit on or before the next date of hearing.

5. Relist this matter on 22.10.2024.”

3. Having regard to the fact that the present writ petition is against interim order, therefore, we propose to dispose of this writ petition with a request to the CAT, Patna Bench, Patna to decide OA No. 050/00731 of 2024 within a period of three months from the date of receipt of this order, in view of the fact that the matter relates to transfer of an employee. In the meanwhile, interim order granted vide order dated 24.09.2024 stand continue till disposal of OA No. 050/00731 of 2024, which is pending consideration before the CAT, Patna bench, Patna.

4. The writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.03.2025
Transmission Date	NA

