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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1635/2002

New Delhi, this the 18th day of June, 2002

Hon'ble Shri Kuldip Singh, Member (Judl.)

D.K.Sharma
S/o. Late Shri J.R.Sharma
working as Head Parcel Clerk, New Delhi.
R/o 1965, Rani Bagh
New Delhi - 110 034.

...Applicant

(By Advocate Shri Romesh Gautam)

V E R S U S

1. UNION OF INDIA : THROUGH

The General Manager
Northern Railway, Baroda House
New Delhi.

2. The Divisional Railway Manager
Northern Railway
State Entry Road, New Delhi.


...Respondents

O R D E R (ORAL)

By Hon'ble Shri Kuldip Singh, Member (J)

Applicant in this OA seeks quashment of the order dated 13-5-2002 vide which the applicant has been transferred from New Delhi to Firozpur Division along with post and has been directed to report to DRM, Firozpur for further post. The grievance of the applicant is that this inter division transfer is against the Rules of the Railways and since the enquiry was initiated against the applicant on a vigilance check, on which he had also been punished, despite the fact that Enquiry Officer has returned his findings exonerating him.

2. Counsel for the applicant states that this order of transfer has been passed by way of punishment and the same should be stayed. The applicant states that he had also made a representation against this

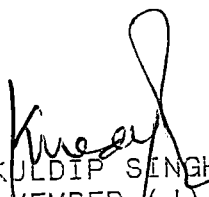


order, dated 3/4-6-2002, which is still pending and has not brought any positive results and he is still waiting for the disposal of his representation. Counsel for the applicant also relies upon a judgement given by this Bench itself on 21-12-1999 in OA 593/1999 in the case of R.S Meena Vs. UOI & Anr., where the Court had held that the order issued to transfer the applicant is not on administrative exigencies rather it appears to be a colourable exercise to transfer him from his present place of posting.

3. In the above circumstances, it would be appropriate to dispose of this OA at the admission stage itself.

4. OA is accordingly disposed of with a direction to the respondents to dispose of the representation of the applicant within one month from the date of receipt of a copy of this order. Till then, the transfer order shall be kept in abeyance.

5. If any grievance still survives, the applicant will be at liberty to file a fresh OA. No costs.


(KULDIP SINGH)
MEMBER (J)

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