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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO.3373 of 2002

New Delhi, this the 17th day of March, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri V.K. Majotra, Member (A)

Smt. Sushila Tripathi,
Head Travelling Ticket Examiner,
Northern Railway,
Delhi Division,
New Delhi-110001.

-Applicant

(By Advocate: Shri K.K. Patel)

Versus

Union of India
Through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi-110001.
3. The Divisional Railway Manager,
Northern Railway,
Allahabad (UP).

-Respondents.

(By Advocate: Shri R.L. Dhawan, for R-3
None for R-1 and 2)

O R D E R (Oral)

By Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

In this application, the applicant has made a number of prayers, as set out in paragraph-8 including a prayer in the alternative to direct the respondents to repatriate her to the Allahabad Division of Northern Railway, in view of the order dated 10.3.2000 and the joint representation dated 18.9.2001, made by the applicant and one Shri A.C. Ojha.

2. Notice on this OA has been issued by Tribunal's order dated 27.12.2002 on 29.1.2003. Shri Rajinder Khatter for Shri V.S.R. Krishna, learned counsel had appeared for

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respondents and we are informed that they were for respondents 1 and 2. Shri R.L. Dhawan, learned counsel states that he represents respondent No.3, i.e., DRM, Northern Railway, Allahabad. None of the respondents have filed any reply to the averments made by the applicant. By Tribunal's previous order dated 29.1.2003, noting the fact that no reply has been filed by the respondents, two weeks were granted to them to do so and if that is not done, the same was to be taken on record on condition of payment of cost of Rs.500/-. Today when the case was taken up, not only no reply has been filed by respondents 1 and 2 but also none has appeared on their behalf also.

3. In the above facts and circumstances of the case, the prayer of the learned counsel for respondent No.3 to be granted further time to file the reply on behalf of respondent No.3 does not appear to be either reasonable or warranted. This is so because the reply of respondents 1 and 2 would also be necessary as the case of the applicant is one of mutual transfer from Delhi Division to Allahabad Division.

4. Learned counsel for the applicant has drawn our attention to the order issued by respondent No.2 dated 10.3.2000. He has also submitted that the applicant had made a representation to respondent No.2 that she is willing to join Allahabad Division, subject to the implementation of the earlier order of the Tribunal dated 10.12.97 in OA No.2083/98. He has also drawn our attention to a representation made by the applicant together with Shri A.C. Ojha dated 18.9.2001 (Annexure P-14). He has submitted that after 1.4.2003, there is a decision taken by the Railway Administration for re-organisation of the concerned Zones, Divisions etc. In the circumstances, he has submitted that

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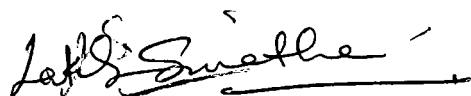
respondents ought to have taken a decision on the representation submitted by the applicant much earlier and that is why this OA was filed on 26.12.2002. In paragraph-8(c) of the OA, the applicant has prayed for an alternative direction to the respondents to repatriate her to the Allahabad Division, with reference to the joint representation made by her and Shri A.C. Ojha. The impugned order issued by respondent No.2 is dated 17.4.2002. However, the learned counsel for applicant has submitted that subsequently respondent No.3, i.e., DRM Allahabad has written a letter to respondent No.2 to send the particulars of the applicant to take further necessary action with regard to the mutual transfer referred to above.

5. In the facts and circumstances of the case, as the matter seems to be shuffling between the offices of respondents No.2 and 3, i.e., DRM, Office New Delhi and DRM Office Allahabad, on the subject of the request of the applicant for mutual transfer to the office of respondent No.3, we consider that it would be appropriate to direct respondent No.1 (General Manager, Northern Railway, ^{New Delhi, ~~Delhi~~}) to take an appropriate decision in the matter in accordance with the relevant law, rules and instructions. This shall be taken within one month from the date of receipt of a copy of this order with intimation to the applicant.

No order as to costs.



(V.K. Majotra)
Member (A)



(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

CC.