

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2209/2002

New Delhi, this the 22nd May, 2003

Hon'ble Shri Kuldeep Singh, Member(A)

Som Dutt  
Q.No.33, Railway Colony  
Gurgaon (Haryana) .. Applicant

(Shri Yogesh Sharma, Advocate

versus

Union of India, through

1. General Manager  
Northern Railway  
Baroda House, New Delhi
2. Divisional Railway Manager  
Northern Railway  
Bikaner Division, Bikaner
3. Divisional Personnel Officer  
Northern Railway  
Bikaner Division, Bikaner
4. Divisional Signal & Telecom Engineer  
Northern Railway  
Bikaner Division, Bikaner
5. Daya Shanker  
ESM-III, Northern Railway Station  
Lalgarh (Rajasthan) .. Respondents

(Shri B.S. Jain, Advocate)

ORDER(oral)

Applicant in this OA has impugned the order of transfer dated 1.5.2002 vide which he has been transferred from Gurgaon to Lalgarh. The applicant is working as Electric Signal Maintainer-I (ESM-I, for short) in the pay scale of Rs.4500-5000 and has been transferred against the post of ESN-III which is in the pay scale of Rs.3050-4590. His grievance is that he cannot be transferred against a post which is lower in rank carrying lesser scale of pay.

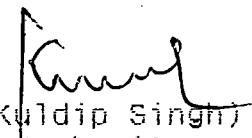
2. Learned counsel for the respondents states that since in the order of transfer itself it is stated that the applicant has been transferred in the same capacity,

*[Signature]*

there is no question of applicant's working against a lower post. Besides the respondents in their reply have also pleaded that the posts of ESM-I, ESM-II and ESM-III are inter-changeable. The learned counsel contends that the applicant has been transferred in the same capacity on administrative grounds and has been rightly transferred. 18

3. A perusal of the impugned order reveals that the applicant has been transferred in the same capacity and Shri Daya Shanker, ESM-III at Sl.No.6 is transferred, from Lalgarh to Gurgaon at his own request. On the last date of hearing, learned counsel for respondents sought time to verify whether the applicant has been transferred to a post of ESM-I or ESM-III. But he is unable to clarify today whether he has been transferred from Gurgaon to Lalgarh against the post of ESM-III or ESM-I. In this connection I find that the applicant is being transferred against ESM-III which is definitely a post lower in status and carrying lower scale of pay and such a transfer cannot be permitted on administrative interest. Again that will definitely have an impact in lowering the status of the applicant. Hence the order of transfer in so far as the applicant is quashed. However, the respondents may transfer the applicant to any other place where the post of ESM-I is available.

4. OA is disposed of as aforesaid. No costs.

  
(Kuldip Singh)  
Member (A)

/gtv/