

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1613/99

New Delhi, this the 20th day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. R.K. Ahooja, Member (A)

Sunil Kumar Goyal
S/o Shri R.K. Goyal
working as Junior Clerk,
Electric Locoshed,
Western Railway,
Tughlakabad,
New Delhi.

.....Applicant

(By Advocate: Shri K.K. Patel)

Versus

Union of India through:

1. General Manager
Western Railway
Church Gate,
Mumbai.
2. Divisional Railway Manager
Western Railway
Kota.
3. Shri Ram Chander
Working as Junior Clerk,
Electric Locoshed,
Western Railway,
Tughlakabad,
New Delhi.
4. Shri Mukesh Kumar
Working as Junior Clerk,
Electric Locoshed,
Western Railway,
Tughlakabad,
New Delhi.

.....Respondents

(By Advocate: None)

ORDER (Oral)

By Reddy, J:-

The impugned order in this case is order of transfer dated 6.7.99. The applicant relies on the Railway Board's order dated 27.7.1966 in support of his contention that in the event of curtailment of cadre only

V11

-2-

(2)

the junior most employee should be transferred. The grievance of the applicant is that two junior employees namely; Shri Ram Chander and Mukesh Kumar have been retained transferring the applicant who is senior to them.

2. The Railway Board's order dated 27.7.1966 reads as follows:-

"Subject: Transfers in the event of curtailment of cadre etc.

It has been brought to the notice of the Board that the practice of transferring staff in the event of curtailment of a cadre varies from Railway to Railway and even, from Division to Division on a Railway. With a view to bring about uniformity in the matter, the Board desired that, as a general rule, the junior most employee should be transferred first whenever any curtailment in a cadre

3. It is clear from this order that in case of curtailment of a cadre, as a general rule, junior most employee should be transferred first. This rule was *✓ stated to be* inserted with a view to bring about uniformity in the matter and to do away with the discriminated *✓* treatment to the employees in the matter of transfer. *But,* In this case it is stated that the applicant has made representation to the employer dated 14.7.99 but the same has not been disposed of. Since the proper remedy in the case of transfer is first to approach the employer against the order of transfer, it is necessary for the authorities to dispose of the representation expeditiously.

4. It is open to the applicant to make a fresh representation against the impugned order within a period of two days from today. Respondent No.2 is directed to dispose of the representation within a week from the date

ORA

4

-3-

of receipt of a copy of this order. Meanwhile, respondents are directed not to relieve the applicant till the representation is disposed of.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.