

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 593 of 1999

New Delhi, this the 21<sup>ST</sup> day of December, 1999

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Shri R.S. Meena  
working as Station Superintendent  
in Divisional Railway Manager's  
Office, Delhi Division  
Northern Railway, State Entry Road,  
New Delhi

-APPLICANT

(By Advocate: Shri Romesh Gautam)

Versus

1 Union of India  
Through General Manager,  
Northern Railway,  
Baroda House, New Delhi

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

-RESPONDENTS

(By Advocate: Shri B.K. Aggarwal through proxy counsel  
Shri Rajeev Bansal)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this case is seeking quashing  
of his transfer order issued by the respondents.

2. Facts in brief are that the applicant was  
working under respondent no. 2 and was posted as Station  
Superintendent, Baraut. It is submitted that to look  
after the affairs of cycle/scooter stand, a contractor  
was appointed for two years by inviting tender. There  
were certain disputes between the passengers and that  
contractor and the passengers had made a complaint to the  
applicant on which he had initiated certain action  
against the contractor. Being aggrieved of the same, the  
contractor joined hands with some Vigilance Inspectors to  
involve the applicant into a false bribery case and the

ku

Vigilance Inspectors also forced the Booking Supervisor to make a false statement against the applicant. On the basis of the alleged raid, the contractor in connivance with the Vigilance Inspectors, managed the applicant to be placed under suspension and then transferred from Delhi Division to Ambala Division. 16

3. The respondents have contested the petition by filing a reply. They have stated in their counter that the applicant has been transferred from Delhi Division to Ambala Division by the order of the General Manager on administrative grounds and that the General Manager is fully competent to take a decision to transfer any one from any Station, either within the Division or outside the Division.

4. It is further stated that the order of transfer in this case has been passed in the interest of administration. It is denied that vigilance staff was in collusion with the contractor and they had planted the raid. It is further submitted that the order of transfer is neither by way of punishment nor it casts any stigma.

5. I have heard the learned counsel for the parties and gone through the records.

6. Learned counsel for the applicant submitted that the order of transfer having been passed after placing the applicant under suspension, is itself bad in law and cannot be sustained. Besides that, he also referred to annexure P-3 dated 9.9.97 vide which certain passengers made a complaint against the contractor on

km

16

which the applicant had issued a letter to him vide annexure P-4. Vide annexure P-6, another letter was issued to the contractor to deposit an amount of Rs.300/- on account of certain irregularities found during the vigilance check. The applicant had also initiated action about the recovery of rental charges from the contractor. Learned counsel for the applicant also referred to the documents vide which a statement of the Booking Supervisor was recorded and then he also drew my attention to the retracted statement of the Reservation Supervisor. The dates of these documents are quite relevant.

7 Under these circumstances, one thing which emerges from the record is quite certain that the transfer order has been passed because the applicant had initiated certain action against the cycle stand contractor and when the raid was conducted on the applicant, the presence of the contractor there throws a doubt that it might be in connivance with him. So the transfer order in this case appears to be the result of the action taken by the applicant against the contractor and only a colourable exercise has been made to transfer him from Delhi Division to Ambala Division. Even otherwise, since the applicant was under suspension, the respondents should not have transferred him from Delhi Division to Ambala Division.

8. In view of the facts and circumstances stated above, I find 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

*for*

his present place of posting. The transfer order, therefore, cannot sustain in the eyes of law and deserves to be quashed. I order accordingly. No costs.

*Kuldip Singh*  
( KULDIP SINGH )  
MEMBER(JUDL)

/dinesh/