

Central Administrative Tribunal
Principal Bench

O.A.No.1712/98

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Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 18th day of December, 1998

Shri S.K.Kumra,
Chief Parcel Supervisor (I/W),
Northern Railway,
New Delhi Railway Station,
New Delhi.

Applicant

(By Advocate: Shri H.K. Gangwani)

-Versus-

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Chief Commercial Manager,
Northern Railway,
Baroda House,
New Delhi.
4. Ms. A.K. Brar,
The Deputyhh CCM (Claim),
Northern Railway, IRCA Building,
New Delhi. Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R

The applicant working as Chief Parcel Supervisor challenges the order, Annexure A1 transferring him on administrative grounds from Delhi to Karnal.

2. The applicant submits that on 1.4.1998. the applicant asked Smt. Suresh Yadav to work on delivery counter No.3 in the day shift due to shortage of staff. As the order was not carried out he reported the matter to the higher authorities. On this Smt. Yadav and one Shri Anand Singh Bishth threatened the applicant of dire consequences and thereafter abused the applicant and Smt.

(1)

Yadav even slapped him. On enquiry, Smt. Suresh Yadav was placed under suspension and transferred from New Delhi railway station whereupon she moved the Tribunal and obtained the stay order. However, the suspension order as well as transfer order of Smt. Yadav were revoked. Consequently the OA filed by her was also dismissed as infructuous. On the other hand, the transfer of the applicant which ordered out of Delhi simultaneously was maintained even though the transfer orders of Smt. Yadav had been cancelled and despite the fact that he was the suffering party in the dispute. Aggrieved by the insistence of respondents to implement the transfer orders, the applicant has come before the Tribunal.

3. The respondents in their reply state that the transfer order was issued purely on administrative grounds and is not punitive in nature. They admit that Smt. Yadav had refused to obey the orders of the applicant. There were heated and abusive exchange of arguments between them resulting in the matter being reported to the higher authorities. On the basis of preliminary enquiry, Smt. Yadav was placed under suspension and transferred to Rothak but the transfer was stayed by this Tribunal. A separate preliminary enquiry by Deputy Chief Commercial Manager(Claims) was conducted on the basis of which the applicant has been transferred to Karnal against the existing vacancy.

4. I have heard the counsel on both sides. In reply to para 4.2 and 4.3 the respondents have stated as follows:

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"That both Smt. Suresh Yadav and the applicant blamed each other regarding misbehavior. On investigation, it was administratively decided to transfer both persons outside Delhi. Accordingly, Smt. Suresh Yadav has been transferred to Rohtak and the applicant to Karnal. The rest averments are wrong and hence denied."

5. It is clear that the transfers of both Smt. Suresh Yadav as well as the applicant were the outcome of the query between them. However, the transfer of Smt. Yadav has since been cancelled by the respondents themselves. On the other hand, the transfer of the applicant is being maintained. The respondents have also admitted that after the preliminary enquiry, Smt. Yadav was suspended. They also state that Smt. Yadav did not like the order given by the applicant. It would thus appear on the submissions made by the respondents themselves that while the fault lay with Smt. Yadav yet she has been allowed to stay back while the applicant is proposed to be sent out of Delhi.

6. In the facts and circumstances of the case, I consider it appropriate to direct the respondents to reconsider the transfer of the applicant in order to see whether he can be adjusted as not to cause any inconvenience or any undue difficulty to him and his family. This consideration would be carried out within a period of one month from the date of receipt of a copy of this order.

7. The OA is disposed of as above. There shall be no order as to costs.


(R.K. Ahooja)
Member (A)

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