

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2000/98

WITH C.P.No.147/2000

New Delhi: this the 7th day of MARCH, 2001.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A)

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Shri Mukesh Kumar Sharma,
S/o Shri Atma Ram,
Sr.Parcel Clerk,
Northern Railway,
New Delhi Railway Station,
New Delhi.

.....Applicant.

(By Advocate: Shri H.K.Ganguani)

Versus

Union of India,
through
General Manager,
Northern Railway,
Baroda House,
New Delhi.

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

.....Respondents.

(By Advocate: Shri R.P.Agarwal).
& Sh.M.K.Gupta for contemnors in CP)

ORDER

S.R.Adige, VC(A):

This order will dispose of OA No.2000/98 and
CP No.147/2000.

2. In OA No.2000/98 applicant impugns respondents' order dated 30.9.98 (Annexure-A1) transferring him to Bikaner Division on administrative ground.

3. Applicant who is working as Sr.Parcel Clerk under CPS in New Delhi Cloak Room, has been transferred to Bikaner Division by impugned order, on the ground that during vigilance check conducted on 11.8.98, he and several others were allegedly trapped while conniving/taking/charging extra money from passengers.

23

4. During the course of hearing, our attention has been invited to Railway Board's letter dated 25.3.67 (copy taken on record) which provides that non-gazetted staff against whom a disciplinary proceeding is pending or is about to start should not normally be transferred from one Railway/Division to another Railway/Division until after the finalisation of the disciplinary or criminal proceedings, irrespective of whether the charges merit imposition of a major or a minor penalty.

5. Nothing has been shown to us to establish that the aforesaid letter dated 25.3.67 has been withdrawn or set aside or modified. Respondents have themselves stated in para 4.4 of their reply that applicant is being proceeded against departmentally. Nothing has been shown to us to establish that applicant's case is not a normal case and therefore respondents' own letter dated 25.3.67 would not be applicable.

6. In the result impugned order dated 30.9.98 transferring applicant to Bikaner Division is quashed and set aside being violative of Respondents' own Circular dated 25.3.67. It will be open to applicant to transfer applicant within his existing division, apart from conducting disciplinary proceedings against him.

7. In CP No. 147/2000 applicant alleged contumacious disobedience of the Tribunal's interim order dated 16.10.98 directing respondents to maintain the status quo as of that date. Respondents' action in temporarily deploying applicant from parcel office to Booking Office on the same station, cannot be termed as violation of the interim orders dated 16.10.98 as there is no change in

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applicant's status. C.P.No.147/2000 therefore dismissed.
Notices discharged.

8. OA No.2000/98 is therefore allowed in terms of
para 6 above, and C.P.No.147/2000 is dismissed in terms
of para 7 above. No costs.

9. Let a copy of this order be placed in both records.

A. Veda Valli
(DR.A. VEDAVALLI)
MEMBER (J)

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A).

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