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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O A No. 633/1998

New Delhi: dated this the 21<sup>st</sup> day of August, 1998.

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

Rishi Pal S/o Sh. Rinka Singh,  
R/o Vill-Kazi Shora,  
P.O. Hampur Buzurg,  
Distt. Bijnore (UP) ..... Applicant.

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad (UP) ..... Respondents.

(By Advocate: Shri R.L. Dhawan)

JUDGMENT

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

Applicant who belongs to S.C. Community  
impugns his transfer from Chandpur Siau to Bijnor.

2. I have heard applicant's counsel Shri U. Srivastava  
and respondents' counsel Shri R.L. Dhawan.

3. Shri Dhawan has very fairly conceded that  
applicant's transfer from Chandpur Siau to Bijnor  
was ordered pursuant to the Tribunal (Principal Bench  
New Delhi (Single))'s judgment dated 26.9.97 in O A  
No. 2244/97 Shri Rafique Vs. G.M. Northern Railway  
& Ors. directing respondents to consider the  
representation of Shri Rafique for his transfer  
from Bijnor to Chandpur Siau. Applicant being the  
junior most Trolleyman posted in Chandpur Siau has  
been transferred to Bijnor to make room for Shri  
Rafique. Shri Dhawan has however contended that, as both  
Chandpur Siau and Bijnor lie in UP State, this Bench

has no jurisdiction to entertain the OA.

4. Applicant is essentially assailing the manner in which respondents have implemented the Tribunal's (Principal (Single) Bench judgment dated 26.9.97 in OA No.2244/97. That judgment had noted that Shri Rafique's representation was pending with Respondent No.1 (G.M.Northern Railway, New Delhi) and the OA was disposed of with a direction to Respondent No.1 to dispose of that representation by a speaking order. In the present OA also Respondent No.1 is GM, Northern Railway, New Delhi who will have to take the ultimate decision in the matter, and hence the plea of lack of jurisdiction is rejected.

5. Coming to the merits of the OA manifestly applicant has been displaced only to make room for Shri Rafique. While Shri Rafique may no doubt have been facing hardship and inconvenience while keeping his family at Chandpur Siau and coming to Bijnor every day to attend to his duties, that cannot justify applicant being displaced to make room for him, even if applicant is the juniormost, unless such transfer is a part of a general chain of transfers which does not appear to be the case here.

6. In this connection Shri Srivastava has invited my attention to Railway Board's letter dated 24.12.85 (Annexure-A/2) which state that subject to exigencies of service, employees belonging to SC/ST categories should be transferred very rarely and for strong reasons only. It cannot be said that applicant's transfer merely to accommodate

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Shri Rafique is a reason so strong or so rare as to justify the transfer. It would have been another matter if applicant's transfer was in accordance with a policy decision, or a part of a general chain of transfer, but that is obviously not the case here.

7. In the result, the OA succeeds and is allowed. Applicant's transfer from Chandpur Siau to Bijnor is quashed and set aside. No costs.

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

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