

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(A)

O.A. No. 1728/96
MA 1645/96

Date of decision 11.11.96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

1. Shri Keshav Prashad
s/o Sh. Sukhu Ram
R/O Qr.No. 280C, Guards Colony,
Railway Colony, Ghaziabad(UP)
2. Shri Banwari Singh
s/o Sh. Balla Singh Maena
Qr.No. 265-A, Sec.9, New Vijay Nagar,
Ghaziabad(UP)
3. Sh. Sukhbir Singh s/o Sh. Chhidda Singh
R/o Village Brij Nath pur, P.S. Harsanpur,
Distt. Ghaziabad(UP)
4. Sh. Mahender Singh s/o Sh. Singaroo Singh
Qr.No. E-58A, Punjabi Line,
Railway Colony, Ghaziabad(UP)

(By Advocate Shri Yogesh Sharma)

.... Applicants

Vs.

1. Union of India through the Genl. Manager
N.R. Baroda House, New Delhi.
2. The Divnl. Railway Manager,
N.R. Near New Delhi Rly. Station,
New Delhi.
3. The Sr. Divisional Personnel Officer,
N.R. near New Delhi Rly Station,
D.R.M. Office, New Delhi.
4. The Asstt. Engineer,
N.R. Delhi Division, Ghaziabad(UP)
5. The Sr. Divisional & Electrical Engineer,
Electrical Multiple Unit, Car Shed,
N.R. Station, Ghaziabad(UP)

.... Respondents

(None for the respondents)

O R D E R (ORAL).

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

In spite of notice having been issued to the respondents and the learned counsel having appeared on 19.9.96 when he sought time to file reply, no reply has been filed by the respondents and none had appeared on their behalf even on the second call. In the circumstances

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we have heard learned counsel for the applicant and perused the records.

2. Applicant No.1 is a Store Khallasi and applicants 2-4 are Gangman working with respondent 4. Their grievance is that in terms of Rule 231 of Railway Establishment Manual- Railway Board's letter No. E(LR) 75 UTI/16 dated 8.8.1975, the applicants have submitted representations to Respondent 3 for being considered for transfer to the Division headed by Respondent 5 i.e. Senior Divisional Electrical Engineer, Electrical Multiple Unit, Car Shed, N.R. Station, Ghaziabad (UP) between 8.2.1996 to 22.2.1996 (Ann. A 1 to Ann.A.4). In paragraph 4.8. of the application, they have submitted that the representations of similarly situated persons who were working with the applicants who had made representations along with them for transfer from gangmen to Elect.Khallasi i.e. from one department to another department have been accepted by the respondents orders dated 15.7.96 and 18.7.96 (Ann. A. 9 and Ann.A. 10), whereas their representations have not been considered or replied to so far. Hence this application has been filed on 14.8.96. During the course of hearing, Shri Yogesh Sharma, learned counsel has submitted that he would be satisfied if direction is given to Respondents 2-3 to consider the aforesaid representations made by the applicants in Feb., 96 i.e. their requests for transfer in accordance with the rules, including bottom seniority and pass a reasoned and speaking order thereon.

3. In view of the above facts and rule position stated in the O.A., this application is disposed of with the following directions :-

Respondents 2 and 3 are directed to consider the representations made by the applicants for their transfer to the Electrical Division under Respondent 5 and pass a reasoned and speaking order within two months


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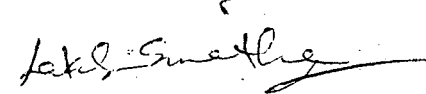
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in accordance with the rules under intimation to the applicants.

4. O.A. is disposed of at the admission stage itself.

No order as to costs.


(K. Muthukumar)
Member (A)


(Smt. Lakshmi Swaminathan)
Member (J)

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