

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA-2408/96

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN  
HON'BLE MR. S.P. BISWAS, MEMBER (A)

New Delhi this the 12th day of November, 1996.

1. Mahipal, S/o Sh. Ram Prasad
2. Suresh Chandra, S/o Sh. Jayavir Singh
3. Ram Prakash, S/o Sh. Durga Prasad
4. Vijay Pal, S/o Sh. Shaya Ram
5. Rattan Kishore, S/o Sh. Lila Singh
6. Dhukhi, S/o Sh. Panna
7. Harkesh, S/o Sh. Ram Singh
8. Kedar Nath, S/o Sh. Tul Ram
9. Hari Ram, S/o Sh. Jeerabar
10. Chatrapal, S/o Sh. Jeet
11. Rasal Singh, S/o Sh. Pathi Ram
12. Ravi, S/o Sh. Ram Adhar
13. Shish Pal, S/o Sh. Dori Lal
14. Ramesh Chandra, S/o Sh. Maharaj Singh
15. Munshi Ram, S/o Sh. Dev Nath
16. Suresh Chandra, S/o Sh. Jhantu Lal
17. Chatra Pal, S/o Sh. Indrapal
18. Basudev Sharma S/o Sh. M. Sharma
19. Mahipal, S/o Sh. Bhramjeet
20. Harkesh Singh, S/o Sh. Kishan Singh
21. Sukhpal, S/o Sh. Bulli Ram
22. Teja Singh, S/o Sh. Karan Chand
23. Sodan Singh, S/o Sh. Shiv Pal
24. Badly, S/o Sh. Buhre Lal
25. Dayanand, S/o Sh. Roop Chand
26. Raghbir Singh, S/o Sh. Virdravan

...Applicants

(By Advocate Sh. B.S. Mainee)

Versus

Union of India: through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Ferozepur Northern Railway,  
Ferozepur.
3. The Divisional Railway Manager,  
Northern Railway,  
Allahabad,
4. The Assistant Engineer,  
Northern Railway,  
Jullundhur City.

...Respondents

(By Advocate Sh. H.K. Gangwani)

The application having been heard on 12.11.1996  
the Tribunal on the same day delivered the  
following:

ORDER

Chettur Sankaran Nair (J), Chairman

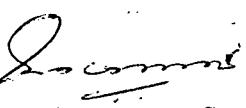
Applicants, Gangmen on the strength  
of Allahabad Division now working in Ferozepur  
seek a direction to transfer them back to  
Allahabad Division. They were transferred  
to Ferozepur by Annexure A-1 stating:

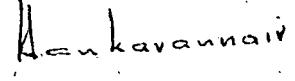
"Firozepur Division is facing great  
difficulty in carrying out track  
renewal work due to shortage of labour.  
Chief Engineer has decided that 400  
men may be spared by your Division..."

Accordingly applicants and others were spared.  
We are told that under the relevant rules  
Gangmen are not liable to inter divisional  
transfer. Annexure A-1 shows that it was  
a case of sparing Gangmen of one Division  
to meet a special contingency that arose  
in Ferozepur. When there is no liability  
for inter divisional transfer such transfer  
should not be resorted to as a matter of  
course. We are told that applicants, Gangmen  
have no place to live in and no facilities  
to enjoy and that they are away from their  
homes for long. We are also told that several  
persons similarly situated have been  
repatriated. We direct respondent General  
Manager to examine the cases of applicants  
also and consider them for transfer back

to Allahabad within two months.  
Sh. H.K. Gangwani who appeared for respondents  
will convey this direction to respondent  
General Manager for necessary action.

Dated, 12th November, 1996.

  
S.P. BISWAS  
Member(A)

  
CHETTUR SANKARAN NAIR (J)  
Chairman

'Sanju'