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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

D.A. No. 2411/96 &
D.A. No. 2412/96

Wednesday this the 13th day of November, 1996.

CORAM

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

OA. 2411/96

Shri Hari Ram, Casual Gangman
under Permanent Way Inspector
Jammu Tawi and

Jagat Pal, Gangman, PWI
Jammu Tawi.

Sansari Lal
Gangman, PWI,
Jammu Tawi

Bhagwan Prasad
Gangman, PWI, Jammu Tawi.

Ashrafi Lal
Gangman PWI, Jammu Tawi.

and

Raghunath Bhagat
Gangman, PWI, Jammu Tawi.

.... Applicants

(By Advocate Mr. B.S. Mainee)

Vs.

1. Union of India through the
general Manager, Northern Railway
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Allahabad.
3. The Divisional Railway Manager,
Northern Railway, Ferizpur.
4. The Permanent Way Inspector,
Northern Railway, Jammu Tawi. ... Respondents

OA. 2412/96

1. Shri Tulsi Ram. S/o Shri Shiv Karan
2. Shri Brij Lal S/o Shri Taulan both
working as Casual Gangman under
Chief Permanent Way Inspector,
Northern Railway, Jullundhur City. Applicants

(By Advocate Mr. B.S. Mainee)

contd....

Vs. Union of India through,

1. The General Manager
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Ferizpur.
3. The Divisional Railway Manager,
Northern Railway, Allahabad.
4. The Chief Permanent Way Inspector,
Northern Railway, Jullundur City. Respondents

The applications having been heard on 13.11.1996,
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 Jammu Tawi and
Jullundhur City seek a direction to transfer them
back to Allahabad Division. They were transferred
to Jammu Tawi and Jullundhur City (Ferozepur Division)
by 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 Ferzepur Division.

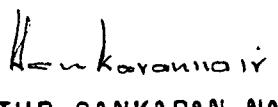
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When there is no liability for inter divisional transfer such transfer should not be resorted to as a matter of course. We are told that applicants, Gangmen have no place to live in and no facilities to enjoy and that they are away from their homes 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 Division within two months from today.

2. Applicants will produce a copy of this order and copies of the Original Applications before General Manager, Northern Railway, who will acknowledge the same and thereafter applicants will lodge the acknowledgment in the Registry. The acknowledgment will form part of the record.
3. With the aforesaid directions, we dispose of the applications. No costs.

Dated the 13th November, 1996.


S.P. BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
CHAIRMAN

ks.