

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.Nos.2411/96 &  
O.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 Tui.

Sansari Lal  
Gangman, PWI,  
Jammu Tui

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

O.A.2412/96

1. Shri Tulsī Ram. S/o Shri Shiv Karen

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, Ferozpur.
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:

O R D E R

CHETTUR SANKARAN NAIR(J), CHAIRMAN

Applicants, Gangmen on the strength of  
Allahabad Division now working in Jammu Tawi and  
Jullundur City seek a direction to transfer them  
back to Allahabad Division. They were transferred  
to Jammu Tawi and Jullundur City (Ferozepur Division)  
by A-1 stating:

"Ferozepur 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 Division.

contd....

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.

*True copy  
Placed  
13/11/96*

PRITAM SINGH  
Joint Officer  
Central Administrative Tribunal  
Principal Bench  
Faridkot House, New Delhi