

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1319/2000
M.A.No.1668/2000

Hon'ble Shri M.P.Singh, Member (A)

New Delhi, this the 20th day of April, 2001

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1. Shri Omprakash B
s/o Shri Bhagwat Ram
Technician Gr.I.

2. Shri Shri Ram Meena
s/o Shri Badari Ram
Technician Gr.I

Both working under Sr. Divisional
Electrical Engineer (TRS)
Western Railway, Tughlakabad
New Delhi.

... Applicants

(By Advocate: Shri B.S.Mainee)

Vs.

1. Union of India through
The General Manager
Western Railway
Churchgate
Mumbai.

2. The Divisional Railway Manager
Western Railway
Kota.

3. Sr. Divisional Electrical Engineer (TRS)
Western Railway
Tughlakabad
New Delhi.

... Respondents

(By Advocate: Shri D.S.Jagotra)

O R D E R (Oral)

By Mr. M.P.Singh, Member(A):

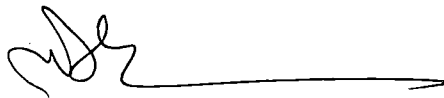
The applicants have filed this OA under
Section 19 of the Administrative Tribunals Act, 1985
challenging the order dated 19.6.2000 passed by the
Senior Divisional Electrical Engineer (TRS), Kota.

2. Briefly the facts of the case, as stated
by the applicants, are that Applicant No.1^{who} was working
as Technician Gr.I at STFO (TRO) at Gangapur City was
declared surplus and was transferred to Tughlakabad



vide order dated 9.2.1999. He joined at Tughlakabad on 5.4.1999 and on the same date got his name registered on the priority register called name noting register for transfer back to Gangapur City against future vacancy. Similarly, Applicant No.2 was working at Tugklakabad as Technician Gr.I and had got his name registered for transfer from Tughklakabad to Gangapur City on 21.8.1996. As per the instructions of the Railway Board, the priority register is maintained in DRM Office ⁱⁿ ~~at~~ which request of railway staff for transfer ~~from~~ one place to the other place are registered and in accordance with the Railway Board's order, transfer should be ordered by the Divisions/Railways in accordance with the priority as registered on the priority register. Applicant No.1 came to know in the month of May, 2000 that two Technicians, namely, S/Shri Narender Kumar Jain and Naresh Chand Sharma ^{who} had been transferred from Gangapur City to Kota being surplus and also got their names registered in the priority register at Sl. No.3 and 4 ^{are} ~~for~~ being considered for transfer back to Gangapur City ignoring the priority of the applicants. They made representations in this regard.

3. The respondents have ignored ^{the} ~~the~~ the priority of Applicants No.1 and 2 & passed the impugned order dated 19.6.2000 transferring S/Shri Narender Kumar Jain and Naresh Chand Sharma from Kota to Gangapur City. Aggrieved by this, the applicants have filed the present OA seeking directions to respondents to transfer the applicants to Gangapur City in accordance with their priority on the name noting register/priority register against the vacancies of



the Technicians Gr.I which have arisen^d after the applicants have registered their names, with all consequential benefits.

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4. The respondents in their reply have stated that Applicants No.1 and 2 were transferred from Gangapur City to Tughklakabad in February, 1999. Two other Technicians Gr.I were also like wise transferred to Kota from Gangapur City in May, 1999. All these four Technicians were registered for transfer back to Gangapur against future vacancies. These Technicians on their representations for voluntary transfer back to Gangapur City were registered at Sl. Nos.1, 2, 3 and 4 respectively. In May 2000, a meeting was organised by the DRM between the Branch and establishment officer and the two recognised Rly. Workers Unions ² ~~was held~~ on 18.5.2000 to discuss the transfer policy. As per the competent authority's approval two Technicians Gr.I who had been transferred ~~from~~ Gangapur City to Kota and were 3 and 4 in the priority register were posted back in accordance with the decision of the meeting which was in public interest. This was done in supersession of the priority assigned to them ^{applicants &} in the name noting register. It was also decided to transfer the applicants at Gangapur City against the future vacancies. According to the respondents, since the claim of the applicants for transfer has been ensured against the future vacancies at Gangapur City, the OA is devoid of merit and it should be dismissed.




5. I have heard the learned counsel for the parties and perused the pleadings on record. It is an admitted fact that S/Shri Narendra Kumar Jain and Naresh Chand Sharma who have been transferred to Kota being declared surplus were placed at Sl. No.3 and 4 respectively in the priority register and the names of the applicants were placed at Sl. No.1 and 2, who were higher in the priority list. By passing the order dated 19.6.2000 transferring the persons who were in priority at Sl. No.3 and 4, the respondents have violated their own rules and instructions on the subject. During the course of the arguments, the learned counsel for the respondents ~~have~~ ^{he} conceded this fact who stated that it has been done keeping in view the decision taken by the competent authority with the leaders of the unions. He also stated that it was because of the pressure of the Union, this order was issued.

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6. After hearing of both the learned counsel, I am of the considered view that the order passed by the respondents on 19.6.2000 is not in accordance with the rules, instructions and law. The same is therefore quashed and set-aside.

7. In view of the aforesaid facts, the OA is allowed and respondents are directed to transfer back the Applicants No.1 and 2 to Gangapur City in accordance with the priority maintained in the name noting register, within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(M.P. Singh)
MEMBER(A)

/RAO/