

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1605/2000
MA 2017/2000

New Delhi, this the 29th day of September, 2000.

Hon'ble Sh. Govindan S.Tampi, Member (A).

1. Moolchand
S/o Bhayya Lal
 2. Seth
S/o Sarian
 3. Pustam
S/o Rasika
 4. Pancham Lal
S/o Mohan Lal
 5. Sripati
S/o Kamla
 6. Gyanchand
S/o Pooran
 7. Balak
S/o Gorango
- ...Applicants

Applicants all working with the Headquarters
at New Delhi C/o PWI Construction
Northern Railway, G.B.Road, New Delhi - 110006.

(By Advocate : Sh. Anis Suhravardy)

V E R S U S

1. Union of India
through General Manager
Northern Railway
Baroda House
New Delhi.
2. Chief Administrative Officer
Construction Northern Railway
Baroda House
New Delhi.
3. Deputy Chief Engineer
Construction Northern Railway
State Entry Road
New Delhi.
4. Assistant Personal Officer/Construction Northern
Railway, Kashmere Gate, Delhi.

....Respondents

(By Advocate : None)



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O R D E R (ORAL)

By Hon'ble Sh. Govindan S. Tampi, Member (A)

Sh. Anis Suhrabardy appears for the applicant. None for the respondents. This is also seen that the notice has been served to respondents quite some time ago, but they had not replied. They, therefore, forfeit their right to reply.

2. In this matter, what has been challenged is a transfer of employees as a casual labourers, now regularised, from one sub-division to other. The applicants do not contest that the administration has the right to transfer them, but state that it should not be in a manner that they will lose their seniority by moving to other sub-division. Their request is that while transferring them their seniority should not be disturbed.

3. I have given careful consideration to the matter. I find some merit in the applicant's plea. While transferring employees in the exclusive domain of the administration, it should be done without causing permanent loss to them. If on transfers, employees ^{are made} lose their seniority for no fault of theirs, such transfers are to be avoided. And such transfers if ordered are to be quashed.

4. In view of the above findings, the application succeeds. The impugned order is set aside with consequential benefits. The respondents are, however, at liberty to evolve alternate schemes, if they feel it necessary to do, which would permit the

transfer, but without the employees losing their seniority. The application is disposed of. No costs.


(Govindan S. Tampi)
Member (A)

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