

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO. 294/2000

New Delhi this the 12th day of May, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRIMATI SHANTA SHASTRY MEMBER (A)

Shri A.K.Singh  
S/o Shri T.S.Singh  
R/O 2-8, Shakti Nagar  
Murababad.

... Applicant

(By Advocate Shri G.D. Bhandari)

-Versus-

Union of India, through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad.
3. The Sr.D.A.O.,  
Northern Railway, DRM's Office,  
Moradabad.
4. A.D.A.O./N.Rly  
DRM's Office, Moradabad. ... Respondents

(By Advocate Shri V.S.R.Krishna)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:

An order issued on 7.2.2000 which according to the applicant is an order of transfer tainted with mala fides, is impugned in the present OA. If one has regard to the order issued, the same, we find is not an order of transfer. The same merely assigns different duties to the applicant <sup>in place of</sup> ~~than~~ the ones initially assigned to him. Applicant is an Accounts

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Assistant. He was earlier posted in the Expenditure Section. By the aforesaid order, he has been posted in the Suspense Section in the very same office. It is inter alia contended by and on behalf of the applicant that aforesaid order is an order of transfer. The same has been issued mala fide. The same has also penal consequences attached to it. According to the applicant, the same has been issued as he had initially declined to process certain bills for want of certain particulars. In our view the order in question has been issued after the applicant has processed the said bills and after the same have been passed. These bills have been passed on 4.2.2000 whereas the aforesaid order is passed later on 7.2.2000. In the circumstances, we find that the aforesaid order could not have been passed on the ground set up by the applicant. All that has been done by the impugned order is to post the applicant from the Expenditure Section to the Suspense Section in the very same office. The same cannot be construed to be mala fide. The same also does not carry any penal consequences against the applicant. Instructions issued on 8.4.1991 by the Government of India, Ministry of Railways filed at Annexure A-8 show that transfer means the movement of a Railway servant from one headquarter station in which he is employed, to another such station, either to take up the duties

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of a new post; or in consequence of a change of his headquarter. Aforesaid order in the circumstances cannot be construed to be an order of transfer.

2. Present OA in the circumstances, we find is devoid of merit. The same is accordingly summarily dismissed.

Shanta S-

(Shanta Shastri)  
Member (A)

Ashok Agarwal

(Ashok Agarwal)  
Chairman

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