

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

17

REGN.NO. DA 1230/89

Date of decision: 9.4.92

All India Railway Typists
Association & others.

..... Applicants

Versus

Union of India & ors.

..... Respondents

For the Applicants

.....

Shri P.M.Ahluwat,
Counsel.

For the Respondents

.....

Shri N.K.Aggarwal,
Counsel.

CORAM: THE HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN(A)
THE HON'BLE MR.T.S.OBEROI, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporters or not?

JUDGEMENT(ORAL)

(DELIVERED BY HON'BLE MR.S.P.MUKERJI, VICE CHAIRMAN)

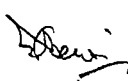
We have heard the learned counsel for both the parties on this application in which the applicants have challenged the transfer of 67 Typists who had been working in the Reservation Office of I.R.C.A Complex and Delhi main from these offices to the Headquarters' office. Their transfer was consequential upon the computerisation in the Reservation Offices. It has been stated clearly in the counter-affidavit and not disputed by the learned counsel for the applicants that by this transfer there has not been any change in station,

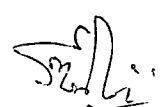
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nor is there the uprooting of the family. This Tribunal has been taking the view that where transfers are made without change of station in administrative exigencies, there is no warrant for judicial intervention. The learned counsel for the respondents have produced two letters of the two recognised Unions ^{of the} Northern Railwaymen's Union dated 28.4.1989 and ^{of the} Uttariya Railway Mazdoor Union dated 28.4.1989- in which they have stated that they have no objection to the proposal of the Northern Railway administration for the transfer of ^{the} administrative and functional control of Typists of I.R.C.A Reservation office and Delhi Main to the Headquarters' office, Northern Railway, New Delhi. ^{The} Northern Railwaymen's Union have further stated that the agreement is subject to the Typists being assigned seniority as per extant rules.

2. The learned counsel for the applicants argued that the transfer from one seniority unit to another seniority unit cannot be done except with the consent or after consulting the employees concerned. The circumstances in the case, however, cannot be taken to be normal. It was a cut, and dry case of persons having been rendered surplus, ~~had~~ ^{to} be absorbed elsewhere short of their being retrenched. The Railway authorities have been gracious enough to save these 67 Typists from being retrenched by absorbing them in another seniority unit at the same station. These Typists should thank

themselves and the Railways that this has been so. The only grievance that these Typists could nurse is perhaps that of seniority on their transfer. In the reliefs claimed, the question of seniority has not been raised. In any case, these Typists have ^{the} liberty to approach the appropriate administrative and legal forum to seek redress ^{in accordance with law} about their seniority in case they feel aggrieved at any stage. So far as this application is concerned, we see no reason whatsoever ^{for} ~~to~~ judicial intervention and dismiss the same without ^{an} any order as to costs.


(T.S.OBEROI)
MEMBER(J)


(S.P.MUKERJI)
VICE CHAIRMAN(A)