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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. 2062/89

Date of decision 4-1-1990.

M.P. Sharma ... Applicant
vs.

Union of India & others ... Respondents

CORAM

Hon'ble Mr Justice Amitav Banerji, Chairman
Hon'ble Mr B.C. Mathur, Vice Chairman(A)

For the applicant ... Shri K.C. Mittal, counsel.

For the respondents ... Shri O.N. Moolri, counsel.

ORDER

In this O.A. the applicant who is a Railway servant admittedly in the rank of Supervisor Ticket Examiner(STE) had sought several reliefs including the one against his transfer to Allahabad. A question arose whether the Application would be maintainable with three or more distinct causes of action. Learned counsel for the applicant made a statement on 27.10.89 that he would press this O.A. only in respect of transfer order dated 15.6.89 and delete other reliefs asked for. Consequently, the only question to be considered in this O.A. is the transfer order dated 15.6.89.

The applicant calls the above order, a transfer order whereas the respondents call it a repatriation order as he belongs to the parent Division of Allahabad in the Northern Railway. This need not detain us for there is an order asking the applicant to join at Allahabad. The order is challenged by the applicant on the ground that the order has been passed with mala fides and he has named respondent No. 4, Shri T.N. Sinha, Assistant Commercial Superintendent

now posted at Kanpur in the Allahabad Division as the person behind all actions against him.

Various allegations have been made in the Application in this respect. The main thrust of allegations is that a criminal case is pending against the respondent No.4 wherein forgery in official records is alleged. The applicant is a witness for prosecution and the respondent No.4 has been putting pressure on him not to give evidence and the latter desires that the applicant be placed under him so that he may exert pressure on the applicant. Three separate written statements have been filed in this O.A. The above allegations are denied by the respondents.

Having heard learned counsel for the parties for some time and having perused the papers on the record of this O.A., we feel that the matter can be resolved by passing a short order without going into the merits of the Application, upholding the posting of the applicant back to Allahabad to his parent Division in the Northern Railway and further directing that if any representation is made by the applicant within a period of one month from today to the Divisional Railway Manager (DRM), Allahabad, the same would be considered and disposed of by him in accordance with law, within a further period of three months. Meanwhile, for this duration, the applicant will not be posted under respondent No.4. We order accordingly. Learned counsel for the parties have expressed their agreement with the above order. There will be no order as to costs.

B.C. Mathur
(B.C. Mathur)
Vice-Chairman (A)
4.1.1990.

Amitav Banerji
(Amitav Banerji)
Chairman
4.1.1990.