

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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Date : 28.8.1990

Regn. No. OA-1017/90
MP-1220/90

Shri Choth Mal	...	Applicant
<u>Versus</u>		
Union of India & Ors.	...	Respondents
For the Applicant	...	Shri V.P.Sharma, Advocate
For the Respondents	...	Shri O.N. Moolri, Advocate

CORAM:

Hon'ble Mr. T.S. Oberoi, Member(J)

Hon'ble Mr. I.K. Rasgotra, Member(A)

(ORAL JUDGEMENT)

The applicant in this case has been transferred by the respondents from Gate No.100 at Sri Madhopur Railway Station to Narnaul which is about 46 K.M. away. The main ground for seeking cancellation/stay of the transfer order is that the applicant is due to retire on superannuation on 31.12.1990.

The respondents in their written reply have submitted that the applicant has been transferred as he is illiterate and was unable to work the Level crossing according to the system of exchanging of private numbers for passing the trains. The regularity came to the notice of the DSO, on 3.3.90 when he was inspecting the Sri Madhopur Railway Station. Since this is a safety matter, he has been transferred to Narnaul Station where the system of exchang-

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ing the private number is still not in force. The learned counsel for the applicant, Shri V.P. Sharma stated at the bar that this statement is not true.

Since the transfer was ordered from the safety point of view, we would not like to interfere in the matter. We also observe that this matter has been considered by another Bench of the Tribunal on 7.6.1990 when the respondents were directed that in case "the applicant cannot be retained as Gateman at a level, crossing, he may be considered for alternative assignments during this period." We note that the applicant is due to retire on 31.12.1990 i.e. in about four months' time. In view of the general difficulties which a transfer involves at this stage of life, the respondents may consider providing him suitably at Sri Madhopur Railway Station at their discretion, if that is possible.

The O.A. is disposed of as above.

Dulayhi
(I.K. RASGOTRA)
MEMBER(A)
28/8/90

Desi 28/8
(T.S. OBEROI)
MEMBER(J)