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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.66/2004

Tuesday, this the 13th day of January, 2004

Hon'ble Shri Justice V.S. Aggarwal, Chairman
Hon'ble Shri S. K. Naik, Member (A)

Shri Ramesh Chand s/o Shri Deep Chand
r/o Village Manesar
District Gurgaon, Working as Canteen Manager
Staff Canteen
Old Delhi Railway Station, Delhi

..Applicant

(By Advocate: Shri Sanjay Sharawat)

versus

Northern Railway
through its General Manager, Baroda House, New Delhi
..Respondent

O R D E R (ORAL)

Justice V.S. Aggarwal:

By virtue of the present petition, the applicant - Shri Ramesh Chand - seeks a direction to the respondents to resume his service to the post of Canteen Manager at Staff Canteen Old Railway Station, Delhi in terms of letter dated 13.11.2003. He further seeks a direction not to transfer him arbitrarily and in a biased manner and lastly, direct the respondents to release his pay for the last two months.

2. On behalf of the applicant, reliance is being placed on the letter at Annexure A-4 dated 5.11.2003 addressed by the Senior Section Engineer, Northern Railway, Loco Shed, Delhi to the Senior Divisional Personnel Officer, New Delhi relieving the applicant as being spared and sending him to the Senior Divisional Personnel Officer, New Delhi. A similar reliance is being placed on the same count on the subsequent letter dated 12.11.2003, copy of which is at Annexure A-5. It



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appears that there is some departmental correspondence regarding the posting of the applicant. But indeed the applicant has no right to be posted at any particular place. Therefore, his claim that he must be posted to the post of Canteen Manager at Staff Canteen Old Delhi Railway Station, Delhi cannot be acceded to.


3. As regards the second prayer that the applicant should not be transferred by the respondents arbitrarily and in a biased manner is concerned, it has to be stated to be rejected. The reason being that if such an order is passed, the applicant gets a cause to challenge the same and, therefore, this relief, as for present, is pre-mature.

4. The third prayer made is to direct the respondents to pay the salary of the applicant.

5. We are informed that the applicant is not under suspension and, therefore, necessarily, if that be so, a Government servant cannot be made to stay without salary.

6. Resultantly, it is directed that the claim of the applicant for payment of salary should be considered and necessary orders should be passed within three weeks from the date of receipt of a copy of this order and communicate to the applicant. We make it clear that we are not expressing ourselves on the merits of the matter.

7. Subject to aforesaid, OA is disposed of.


(~~S. K. Naik~~)
Member (A)


(V. S. Aggarwal)
Chairman

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