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17
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI THIS THE 21ST DAY OF SEPTEMBER, 1994.

**MR. JUSTICE S.K.DHAON, ACTING CHAIRMAN
MR. B.N.DHOUNDIYAL, MEMBER(A)**

✓ OA No.1179/93

Sh.Premchand Prasad
S/o Mukti Nath Prasad
R/o Moh.Shiv Puri
Ghaziabad ...
BY ADVOCATE SHRI G.S.BEQRAR.

APPLICANT

VS

1. Union of India,
through the General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway
Pehar Ganj
New Delhi.
3. The Divisional Electrical Engineer
EMU carshed,
Ghaziabad
Northern Railway
4. The Divisional Personnel Officer ... RESPONDENTS
Northern Railway
Allahabad

BY ADVOCATE SHRI H.K.GANGWANI

OA No.2253/93

1. Sh.Ram Bharose
S/o Keshore Dev
R/o Shivpuri
Ghaziabad
2. Sh.Naresh Kumar Shoray
S/o Shri Daulat Ram Shoray
C/o Hari Prasad
R/o Shivpuri
Ghaziabad
3. Shri Hari Prasad
S/o Sh.Beni Ram
R/o Shivpuri
Ghaziabad ...

APPLICANTS

BY ADVOCATE SHRI G.S.BEQRAR.

VS.

1. Union of India, through
The General Manager
Northern Railway,
Baroda House
New Delhi.
2. The Divisional Electrical Engineer
EMU Car Shed, Ghaziabad
Delhi Division
3. Sr.Divisional Electrical Engineer
T.R.D.
Northern Railway
Allahabad.

RESPONDENTS

BY ADVOCATE SHRI H.K.GANGWANI

ORDER(ORAL)

JUSTICE S.K.DHAON:

The controversy in these two applications is the same. They have been heard together. Therefore, they are being disposed of by a common judgement.

2. The premise of these applications is that the applicants stand permanently transferred as Linemen from the Allahabad Division to the Delhi Division of the Northern Railway.

3. Their grievance is that they are not being treated as regularly absorbed in the Delhi Division and, therefore, they are being denied the advantages which are being made available to those Linemen who are permanently posted in the Delhi Division.

4. The primary question to be decided by us is whether the applicants were transferred in public interest from the Allahabad Division to the Delhi Division or whether they had taken a voluntary transfer. The position of law is clear that if a person takes a voluntary transfer from one Division to another, he is put on the rock-bottom in the transferred Division.

5. Counter-affidavits have been filed on behalf of the respondents in both the OAs. In them, the material averments, are these. The applicants volunteered for a temporary transfer to the EMU Car Shed Ghaziabad and, therefore, they were transferred along with the posts they were holding at Allahabad purely as a temporary measure till further orders. Their lein was retained in the Allahabad Division.

6. The assertion that the applicants retained their lien in the Allahabad Division is corroborated by the letter dated 6.12.1989 issued by the Senior DEF/TRD/ALD, a true of which is annexed to both the OAs. We see no reason to disbelieve the version of the respondents. We, therefore, proceed on the assumption that the applicants sought a voluntary transfer

from the Allahabad Division to the Delhi Division.

7. It appears that a decision is yet to be taken by the appropriate authority as to whether the applicants, who have put in 5 years in the Delhi Division, should be absorbed in that Division. We are informed the applicants have made a series of representations but in vain. It is agreed at the Bar that the General Manager, Northern Railway, has to take a decision with regard to the absorption of the applicants in the Delhi Division. Ignoring the past representations, we now permit the applicants to make a fresh representation to the General Manager, Northern Railway, Baroda House, New Delhi setting out the relevant facts therein. If such a representation is made by the applicants, the same shall be disposed of by the General Manager expeditiously but not beyond a period of four months from the date of receipt of the representation from the applicants.

8. With these directions, these OAs are disposed of finally but without any order as to costs.

B.N.Dhundiyal
(B.N.DHOUNDIYAL)
MEMBER(A)
SNS

S.K.Dhaon
(S.K.DHAON)
ACTING CHAIRMAN