

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO.401 OF 1996

Allahabad, this the 21st day of April, 1999.

CORAM : Hon'ble Mr.S.K.Agrawal, Member (J)

Om Prakash Srivastava,  
S/o. Durga Prasad Srivastava,  
Head Shroff, Cash and Pay Office,  
N.E.Railway, Gorakhpur.

.....Applicant.

(C/A. Sri Amerendra Singh, Advocate)

Versus

1. Union of India through General Manager,  
North Eastern Railway, Gorakhpur.
2. Chief Cashier, Cash and Pay Office, North  
Eastern Railway, Gorakhpur.
3. Up Muledhi/Yatayat, N.E.Railway, Gorakhpur.
4. F.A. & CAO, N.E.Railway, Gorakhpur.
5. Divisional Cashier, Samastipur Division,  
N.E.Railway, Samastipur.

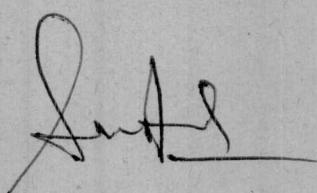
.....Respondents.

(C/R Sri A.V.Srivastava, Advocate)

O R D E R (Open Court)

(By Hon'ble Mr.S.K.Agrawal, Member (J))

In this original application the prayer of  
the applicant is to quash the impugned order dated 13-3-96  
passed by respondent No.2 in pursuance of office order No.  
CP/96/5, dated 12-3-96.



2. The case of the applicant in brief is that the applicant was transferred on request by order dated 13-10-95 passed by Chief Cashier from Varanasi to Gorakhpur, but thereafter he was transferred from Gorakhpur to Samastipur by impugned order of transfer. It is stated by the applicant that impugned order of transfer was issued only to adjust Sri Satyendra Singh and the impugned order of transfer is against the established policy of administration, therefore the applicant has prayed for the relief sought for as mentioned above.

3. Counter was filed in this case denying the allegations and stated that applicant was transferred in administrative interest.

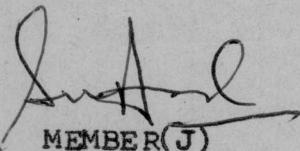
4. Heard the learned lawyer for the parties and also perused the whole record. On the perusal of the pleadings of the parties it does not appear that the impugned order of transfer was issued against any statutory rules or with malafide intention by the respondents. No direct or indirect malafides are proved in this case. Therefore, as per the catina of judgements given by Hon'ble Supreme Court on this ground I am not inclined to interfere in the impugned order of transfer.

5. Learned lawyer for applicant submits that the applicant is ready to file fresh representation, the necessary direction may be given to respondents to dispose off his representation sympathetically.

6. I, therefore, dismiss this original application. However, if the applicant files representation, the same

may be considered by the departmental authorities sympathetically for the redressal of the grievance of the applicant.

7. No order as to costs.



Sudhir  
MEMBER(J)

satya/