

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 350 of 1998

Allahabad this the 14th day of July, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Amrit Lal Seth, Son of Sri Pyarey Lal Seth,  
Resident of 5/55, Puch-Kuniya, Tehsil Road  
Agra, District Agra, posted A.S.M. at Raibha  
Rly. Station, Agra.

Applicant

By Advocate Shri P. Mishra

Versus

1. Union of India through its Secretary,  
Ministry of Railway, Rail Bhawan, New Delhi.
2. Divisional Railway Manager, Western Railway,  
Jaipur, Rajasthan.
3. Divisional Safety Officer (Establishment),  
Western Railway, Jaipur, Rajasthan.

Respondents

By Advocate Shri Amit Sthalekar

O R D E R ( Oral )

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

Shri Amrit Lal Seth while posted as  
Assistant Station Master at Raibha Railway Station,  
has been transferred to Phulera, which has been  
impugned in the present O.A. mainly on the ground  
<sup>that</sup> being a member of S.C. community, ~~hence~~ he is



fully protected against the transfer in view of Railway Board letter dated 14.1.1975 and that the impugned transfer order has been passed without any reason and out of malafide that ~~top~~during the mid of academic session. The applicant has also pleaded that he could only be transferred to his native district or adjoining district but the place to which he has been transferred is neither his <sup>native</sup> district nor the adjoining one. He has also pleaded the compassionate ground that his wife-Smt. Geeta is under medical treatment at Agra and, therefore, it will disturb <sup>the whole of family</sup> if he shifts to the place to which he has been transferred. In para-4.19 and 4.21, the applicant has narrated the facts to support his plea of malafide.

2. The respondents have contested the case and filed the counter-reply.

3. Heard, the learned counsel for the rival contesting parties and perused the record.

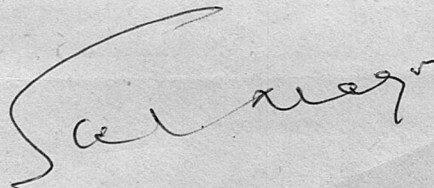
4. The impugned order is dated 25.2.1998 i.e. of about 2½ years back and the applicant is continuing at the same station under cover of interim relief granted to him by the Tribunal. During this period, the applicant could have prepared himself and managed his family for the transfer, being on transferable post.

Sw



5. The applicant has also sought for protection from transfer being member of S.C. community. The relevant circular, copy of which has been annexed as annexure-5, by the Railway Board does not grant a complete amenity or <sup>there is any mandatoriness</sup> ~~absolute~~ direction regarding the transfer of Schedule Caste but it is suggestive in nature. In reply to this contention, the learned counsel for the respondents took me to annexure A-8 to the O.A. through which the applicant himself sought for his transfer and as <sup>per</sup> ~~part~~ case brought out in the counter-reply, his request has been acceded as soon as there occurred a vacancy to transfer there. Learned counsel for the applicant also took me again through Circular dated 14.1.1975 from the Railway Board where it has been directed that the transfer of S.C. and S.T. employees should be confined to their native district or adjoining district or the place where administrative can provide quarters. No doubt, ~~to~~ <sup>the</sup> place <sup>65</sup> which the applicant has been transferred is not his native district nor adjoining district but cannot be said to be a place where administration cannot provide any quarter to him and, therefore, the benefit of this provision is not available to him.

6. For the above, I do not find any merit in the O.A., which is dismissed accordingly, obviously the interim order stands vacated. No order as to costs.

  
Member (J)