

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 10th day of August, 2001.

Original Application No.413 of 1998.

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

M.M. Mukherji Son of Sri R.R. Mukherji, Resident of MIG Plot No.8, A.D.A Colony, Preetam Nagar, Allahabad at present working as Chief Instructor, Indian Railways Track Machines Training Centre, Subedarganj, P.O.- Pipal Gaon (near Indian Oil Corporation Ltd.), Allahabad-12.

(Sri Vijay Bahadur, Advocate)

..... Applicant
versus

1. Union of India, through Secretary Ministry of Railways, New Delhi.
2. General Manager (Personnel), Northern Railway, Headquarters Office Baroda House, New Delhi.
3. Chief Engineer (Track Machines), Northern Railway, Headquarters Office, Baroda House, New Delhi.
4. Dy. Chief Engineer/Track Tamping(T.T.)/Dy. CE/TT, N.Rly, Headquarters Office, Baroda House, New Delhi.
5. Principal I.R.T.M.T.Centre, P.O- Pipal Gaon, Subedarganj (Sri AK Gaur, Advocate) Allahabad.

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Rafiuddin, J.M.

The applicant challenges his transfer order through this OA. The applicant who was working as Chief Instructor in Railway Track Machines Training Centre, Subedarganj, Allahabad, was transferred to New Delhi alongwith post vide impugned order dated 23-8-1998. The applicant has challenged the validity of his transfer order mainly on the ground that the same has been passed at the behest of the Principal of the Institute. It is also stated that the applicant belongs to Mechanical Hydraulics, Pneumatics and Stores, whereas one Sri AK Singh, who has been

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posted on the post belongs to Electrical Side and is not competent to teach the subject which the applicant is teaching. It is also claimed that in the event of transfer of the applicant from Training Centre, there will be no Chief Instructor. On the basis of this contention it ~~is stated~~ ^{stated} that the transfer order is arbitrary and deserves to be quashed. It is pertinent to mention here that the applicant has already joined the place of transfer in pursuance of the impugned order. Even his tenure in the Training ended in the year, 1999. It appears from the pleading that the respondents contested the claim of the applicant on the ground that the applicant was promoted for the post of Senior Section Engineer against the vacancy in his parent cadre in the year, 1997 but since there was no vacancy for the promoted post in the present Training Centre, he could not be accommodated in the present Training Centre, against non-available post. His stay in the present Training Centre was considered against his willingness in the grade of Rs.2000-3000. It is also denied that there was ~~no~~ post of Chief Instructor in the present Training Centre. It is also stated that as result of screening the candidates in the grade of Rs-2000-3200 and two persons in the grade of Rs.1660-2660 were found suitable. The applicant was transferred due to longer stay at the training centre and his stay was managed by the administration upto school session.

2. Considering the facts that the present post of the applicant in the Training Centre was of the ex-cadre post and he was retained till the end of session on his request, the impugned order cannot be said to be illegal by order having been passed on account of bias on the part

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of the Principal as claimed by the applicant. The applicant has not denied the claim of the respondents that he was promoted as Section Engineer, in his parent cadre vide order dated 19-9-1997 and since there was no other post available, and the applicant was accommodated on his own willingness in the lower grade till the end of session, the impugned order cannot be said to be adversely affecting the career of the applicant in any way. Considering this fact, I do not find any illegality and irregularity in the impugned transfer order of the applicant. The DA is devoid of merits, and is dismissed accordingly with no order as to costs.

Dube

Member (J)

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