

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Allahabad this the 03rd day of January 2002.

Original Application no. 1523 of 2001

Hon'ble Maj Gen K.K. Srivastava, Administrative Member

Madan Lal Mishra, S/o V.B. Mishra,  
Sealman, in the office of Chief Parcel Superintendent,  
Kanpur Central, Northern Railway,  
Kanpur.

... Applicant

By Adv : Sri Sanjay Kumar

Versus

1. Union of India, through General Manager,  
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,  
Allahabad.
3. Chief Parcel Superintendent, G.M.C./T.P.T.,  
Northern Railway, Kanpur.
4. Chief Parcel Superintendent, Kanpur Central, N. Rly.

... Respondents

By Adv : Sri A.K. Gaur

O R D E R

Hon'ble Maj Gen KK Srivastava, AM.

In this OA under section 19 of the AT Act, 1985,  
the applicant Shri ML Mishra, has prayed that the transfer  
orders dated 22.11.2001 & 27.11.2001 be quashed and he  
should be allowed to continue on the post of Sealman in  
the office of Chief Parcel Supdt. Kanpur Central (Respdt no. 4)

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2. Heard Shri Sanjay Kumar, learned counsel for the applicant and Shri A.K. Gaur, learned counsel for the respondents. Shri Sanjay Kumar, submitted that the applicant has been transferred frequently during last one year in order to harass the lowly paid class IV employee. He also submitted that he has a rented house near Kanpur Central, Railway Station and incase he<sup>he is</sup> shifted he will be put in great hardship. His father is a handicapped person and also a heart patient who is under going treatment at L.P.S. Institute of Cardiology, GSVM Medical College Kanpur. He also submitted that the applicant must be retained at present location for a period of 6 months to sort out domestic problems. Shri Sanjay Kumar, learned counsel for the applicant finally submitted that the applicants daughter are studying at nearby schools and in case he<sup>he is</sup> shifted this will pose avoidable hardship. In para 4.7 of the OA the applicant has requested that the respondents be directed not to interfere in the working and functioning of the applicant only for a period of 6 months and, thereafter, he is ready to go anywhere.

3. Shri A.K. Gaur, learned counsel for the respondents submitted that since the shifting of the official<sup>he is</sup> in the same station it should pose no problem for the applicant and as a duti<sup>he is</sup>ful obedient Govt. servant he should be willing to work in any office in the same location.

4. I have given due consideration to the submissions made by the learned counsel for the parties and perused records. It goes without saying that any shifting of the

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lowely paid Group 'D' employee will pose problem to him. one thing which should have been kept in mind by the respondents is that the shifting of the employee during mid academic session is bound to disturb the education of the children. Normally, the transfers are not issued during mid academic session but in the present case this has not been kept in mind. It would have been in order if the transfer orders were issued only after completion of academic session. Keeping in view the interest of the education of the children, the ends of justice will meet if the applicant is allowed to continue at this present office till June 2002.

5. The OA is disposed of finally with the direction to the respondents to allow the applicant to work in the present office till June 2002 and the impugned order be made effective only thereafter, if considered necessary.

6. There shall be no order as to costs.

  
Member-A

/pc/