

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 49 of 2001

Allahabad this the 01st day of August, 2001

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

Krishna Kant Pandey, Son of Sri B.D. Pandey, resident of village and Post Khaie, Karchhana, District Allahabad, at present posted as Head Clerk in the Office C.T.F.O.(RSO) Northern Railway, Allahabad.

Shri S.C. Tewari, Applicant  
By Advocate Shri S.C. Srivastava

Versus

1. Union of India through Secretary, Ministry of Railway, New Delhi.
2. Divisional Railway Manager/Additional Divisional Railway Manager, Northern Railway, Allahabad.
3. Senior Divisional Electric Engineer, Northern Railway, Allahabad.
4. Chief Traction Controller, Northern Railway, Toondla.

Respondents

By Advocate Shri A.K. Gaur

O R D E R ( Oral )

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

On being transferred from Allahabad to Tundla vide impugned order dated 07.11.2000(ann.-5) the applicant has come up seeking relief that the same be quashed mainly on the ground that the impugned

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order through which he has been communicated with transfer order dated 01.11.2000 is bad in law in view of the fact that during departmental inquiry the employee shall not be transferred and also that his ailing wife is in the hospital for her treatment and school going children will suffer because of this mid session transfer. He has also mentioned in the 'Grounds' clause that his representation has not been favourably disposed and the action of the respondents is illegal for keeping his representation pending and, therefore, the applicant has come up seeking above relief.

2. The respondents have contested the case and filed the counter-reply with the specific mention that it is a transfer on administrative ground out of service exigency and, therefore, he does not deserve the relief sought for.

3. Heard at length Shri S.C. Tewari, counsel for the applicant and Shri M.K. Sharma brief holder --to Shri A.K. Gaur, counsel for the respondents.

4. Learned counsel for the applicant mentions that this transfer is because of displeasure of the Officers at Allahabad, who did not find it convenient to have the applicant as Head Clerk posted at Allahabad because he is quite strict to his subordinates, who were so far enjoying the unauthorised and illegal service facilities in connivance with Officers. It has also been mentioned that the transfer order is

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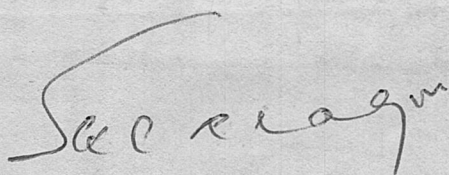
punitive in nature passed immediately after revocation of the suspension. Learned counsel for the applicant replied in a query from the Bench that the applicant has remained posted at Allahabad right from the date of inception in service from 25.10.1986. To another query, learned counsel for the applicant informed that the applicant is not reporting to duty right from the date 02.10.2000 and transfer order had to be served through postal agency.

5. Regarding illness of wife of the applicant there is a copy of certificate issued from a private hospital, wherein her suffering is mentioned as Hepatitis, which is dated 06.12.2000. There is nothing to mention as to what happened thereafter, nor there is any other enclosure to the O.A. filed on 16.01.2001.

6. So far as the mid academic transfer is concerned, this plea is no more valid in view of the position that now we are in the month of August, 2001 and the academic position could have been <sup>settled</sup> ~~saddled~~ down.

7. When the applicant is holding a transferable post, he must remain ready and prepare to go on transfer as exigency of service.

7. With the above position in view, I do not find any merit in the O.A. to grant the relief sought. The O.A. is dismissed accordingly. NO cost.

  
Member (J)