

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of October 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O. A. No. 1064 of 2001.

Mahendra Tiwari S/O Sri Ganesh Tiwari, permanent R/O Village Peepur Pati, Post Pati, District Maharajganj, at present posted as Khalasi under the Dy. Chief Engineer, Construction Northern Railway, Etawah..... Applicant.

Counsel for the applicant : Sri S. Dwivedi.

versus

1. Union of India through the General Manager, Northern Railways, Baroda House, New Delhi.
2. The Chief Administrative Officer (Construction), Northern Railway, Headquarter Office, Kashmiri Gate, Delhi.
3. The Deputy Chief Engineer (Construction), N.R., Allahabad.

..... Respondents.

Counsel for respondents : Sri P. Mathur.

O R D E R

BY HON. MR. S. DAYAL, A.M.

This application has been filed for a direction to the respondents to allow the applicant to continue or to send the applicant to his parent unit, office and division where he is holding lien.

2. The applicant has sought relief on the ground that the impugned order dated 7.3.01 by which the applicant has been asked to report to Dy. C.E.C/2/Chandigarh and pursuant to order dated 23.4.01 by which the applicant has been transferred with immediate effect to Dy. C.E.(C), Northern Railway, Chandigarh should be set aside because they are contrary to the circulars issued by the Railway Board. The applicant has sought repatriation to the parent unit where he holds lien.

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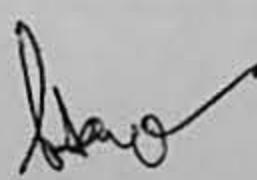
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3. The arguments of Sri S. Dwivedi for applicant and Sri P. Mathur for respondents have been heard.

4. Counsel for the applicant has challenged the order of transfer on the ground that he is being sent while his juniors are allowed to continue. He prays that the applicant be repatriated to his parent unit in which he holds the lien. It appears that the applicant has been screened for the post of Khalasi and the parent unit now is Allahabad Division of Northern Railway. The applicant has shown his unwillingness to go to the place of his transfer and we find that the persons junior to the applicant have been retained as can be seen from Annexure A-2 where number of persons, who are junior to the applicant have been regularised as Khasis are working with the respondents at Allahabad.

5. In view of this, I direct the respondents to permit the repatriation of the applicant to his parent unit where he is holding lien and not to ask him to go to the organisation under Dy. CE/C, Northern Railway, Chandigarh. With this direction, the O.A. is disposed of.

There shall be no order as to costs.


A.M.

Asthana/
11.10.02