

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 15th day of October, 2001.

Original Application No.1190 of 2001.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Moti Lal Singh Son of Late Sri Hardayali Singh,
Resident of Railway Quarter No.442/AB Indian Institute
Colony, Mughalsarai, district Chandauli, posted as
Senior Clerk under Senior Divisional Operating Manager
(Sr.D.O.M.) Eastern Railway, Mughalsarai.

(Sri VK Srivastava, Advocate)

. Applicant

Versus

1. Union of India through its
General Manager, Eastern Railway,
Subhash Chandra Road, Kolkata.
2. Chief Personnel Officer, Eastern Railway,
Kolkata.
3. Divisional Rail Manager, Eastern Railway,
Mughalsarai.
4. Senior Divisional Operating Manager,
Eastern Railway, Mughalsarai.
5. Senior Divisional Personnel Officer,
Eastern Railway, Mughalsarai.

(Sri K.P. Singh, Advocate)

. Respondents

O R D E R (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.


This OA has been filed challenging the order dated 05-10-2001 by which the applicant has been spared for being posted in Asansole Division. It is submitted by the applicant that he is facing disciplinary proceedings for which Memo of Charge has been served on him on 05-12-2000 and the applicant has submitted his reply. Inquiry Officer has also been appointed. It is claimed that if the applicant is transferred from Mughalsarai, it shall be difficult for him to contest the proceedings. It has also been said that the children of the applicant have been admitted for



education and their academic interest shall also be seriously prejudiced on account of the impugned transfer during mid of the academic session. However, it appears that the applicant, before coming to this Tribunal, has not approached by making representation before the higher authorities in the Railways. Normally transfer is condition of service and cannot be objected except on certain grounds of malafide and arbitrariness etc.

2. Considering the facts and circumstances, this OA is disposed of finally with liberty to the applicant to make a representation before the General Manager, Eastern Railway within 10 days. The representation, if so filed, shall be considered and decided by a reasoned order within a month by the general Manager, Eastern Railway. It shall also be open to the applicant to move an application to keep the order of transfer suspended during the pendency of the representation which shall be considered and decided within a week. Alongwith the representation a copy of this order shall also be filed before the General Manager.

3. A copy of this order shall be given to the applicant within 24 hours.


Vice Chairman

Dube/