

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

ORIGINAL APPLICATION NO.1284 of 2004.

Allahabad this the 1st day of November 2004.

Hon'ble Mr. D.R. Tiwari, Member-A.

Smt. Aruna Singh
D/o Bhagirath Singh (Working as
Sr. Clerk, Personnel Branch,)
O/o Divisional Railway Manager,
North Central Railway, Allahabad
R/o 785-C, Loco Colony, 10th Avenue,
near Shervani Factory, Allahabad.

.....Applicant.

(By Advocate : Sri S Shandilya/
Sri V Shandilya)

Versus.

1. Union of India
through the Secretary,
Ministry of Railways,
New Delhi.
2. Divisional Railway Manager (Personnel),
North Central Railway, Allahabad.
3. Divisional Personnel Officer,
North Central Railway, Allahabad.

.....Respondents.

(By Advocate : Sri A.K. Gaur)

O_R_D_E_R

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has prayed for following relief(s):

"i) Issue a suitable order or direction in the nature of certiorari quashing order dated 8.09.2004 by which the applicant has been transferred from the Records Section, Personnel Branch, Divisional Railway Manager Office, North Central Railway, Allahabad to North Central Railway Inter College, Tundla, (Annexure No-1 to this original application).

ii) issue a suitable order or direction in the nature of mandamus directing the Divisional Railway Manager (Personnel), North Central Railway, Allahabad to decide the matter of the applicant for her transfer to Jhansi and transfer her to Jhansi and until an order to that effect is made the order dated 8.09.2004 may be kept in abeyance.

D.R.T.

iii)

iv)

2. The applicant in this case was medically declassified and on that ground she was shifted from the post of Staff Nurse to the post of Clerical grade. Her transfer to Tundla, at this juncture, submits learned counsel for the applicant, in view of 65% handicapped will entail upon her efficiency as well as locomotion. The applicant has averred in para XIII that she is being 65% permanent dis-ability and she cannot walk without assistance. Her son is studying in IVth standard and there is no other person to look after the applicant and her son.

3. Sri A.K. Gaur learned counsel for the respondents opposes the grant of stay of her transfer saying that transfer is an incident of service. Hon'ble Supreme Court in so many cases has held that the Courts and Tribunals should not interfere in the matter of transfers.

4. However, the interest of justice would be better served if she makes a representation to the Competent Authority for redressal of her grievances and she is granted one week time to file the representation to the Competent Authority. Competent Authority shall decide the representation of the applicant by a reasoned and speaking order within a period of three weeks, till that time the transfer order may be kept in abeyance.

5. Accordingly the O. A. is finally disposed of in terms of above directions.

No costs.


Member-A.

Manish/-