

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 25th day of March, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 219 of 2004

Abdul Kalam Ansari (Ticket No.8424), aged about 46 years S/O
Sri Abdul Aziz, presently posted as Inspector in P.C.O., N.E.
Railway, Mechanical Workshop, Gorakhpur.

.....Applicant.

Counsel for applicant : Sri S.K. Mishra.

Versus

1. Union of India through the General Manager, N.E. Railway
Gorakhpur.

2. The Chief Workshop Manager, Mechanical Workshop, N.E.
Railway, Gorakhpur.

3. The Chief Workshop Manager (Karmik) Mechanical Workshop,
Gorakhpur.

.....Respondents
Counsel for the respondents : Sri K.P. Singh

O R D E R (Oral)

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Heard Shri S. K. Misra, learned counsel for the
applicant and Shri K.P. Singh, learned counsel for the
respondents and perused the pleadings.

2. The order impugned herein was passed on considera-
tion of a joint representation pursuant to direction given
by the Tribunal vide order dated 1.9.2003 in O.A. No.176/01.
This order was under challenge in O.A. No.225/04 which came
to be dismissed vide order dated 11.3.2004. The transfer
order initially challenged in the earlier O.A.s have been
maintained. It cannot be said that transfer is ^{has} _{gain} ^{an} _{in} ^{incident} _{of} service and judicial interference is ^{permissible} _{in}

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except on limited grounds of malafide and breach of statutory rules. The transfer of the applicant in the instant case does not suffer from any illegality. The order re-transferring the applicant is not vitiated. Accordingly the O.A. fails and is dismissed at the admission stage itself.

No order as to costs.

Dhawan

A.M.

CRG
V.C.

Asthana/