

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF MARCH, 2004

Original Application No.225 of 2004

CORAM:

HON.MR.JUSTICE S.R.SINGH,V.C.

HON.MR.S.C.CHAUBE, MEMBER (A)

Pramod Kumar Gupta (Ticket No.1495)
aged about 48 years, son of
Sri K.P.Gupta, presently
posted as Inspector in P.C.O
N.E.Railway, Mechanical Workshop
Gorakhpur.

.. Applicant

(By Adv:Shri A.Trivedi)

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 (Karmic)
Mechanical Workshop, Gorakhpur.

.. Respondents

(By Adv: Shri K.P.Singh)

O R D E R (Oral)

JUSTICE S.R.SINGH,V.C.

Heard Shri A.Trivedi holding brief of Shri Sudhir
Agrawal learned counsel appearing for the applicant and
Shri K.P.Singh learned counsel representing the
respondents. By office order dated 31.7.02/1.8.02 the
applicant and 5 others were transferred to the Shop
Floor of P.C.O. indicated against their names. Aggrieved,
an Original application was filed challenging the
transfer order. The Tribunal by its order dated 1.9.03

disposed of OA No.176/01 with liberty to the

applicants to make representations before the Competent Authority and with a direction to the Competent Authority to dispose of their representations within three months from the date of receipt of the order. By order dated 12.12.03 the joint representations preferred by the applicants came to be rejected and following the said order the applicant and 5 others were relieved by order dated 29.1.04. The order dated 13.12.03 rejecting the representation and the relieving order dated 29.1.04 are sought to be quashed by means of this OA.

Transfer, it is not disputed, is an incident of service and judicial interference is permissible on limited grounds of malafide or breach of statutory rules. The transfer of the applicant to Tool Room at the Shop Floor is not violative of any statutory rule nor does it suffer from bias or any malafide. Learned counsel for the applicant, however, submits that the applicant had been working at the P.C.O for the last about 20 years and his transfer to the Shop floor which according to counsel for respondent is parent cadre, would entail manual work for which the applicant is not well disposed. Mere fact that certain amount of manual work may be required at the Shop floor is no ground where the transfer order which was passed long back in July 2002 and is not even sought to be quashed. It would appear from the order rejecting the representation that all the posts in PCO are ex-cadre posts and the period of term was 5 years which was extendable upto 6 years maximum under special circumstances. The applicant in his own showing has remained in the PCO for 20 years and we will not be justified in interfering with the transfer order by which

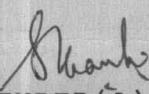
PAJ

..p3

:: 3 ::

the applicant has been transferred/repatriated to his parent cadre. The counsel for the applicant then submits that the Competent Authority has not addressed himself to individual representations and therefore order rejecting the representations is vitiated. It is not disputed that a joint representation was filed by the applicants and therefore the Competent Authority was justified in considering and disposing of the joint representations by order dated 13.12.03.

The OA is devoid of merit and is dismissed in limine.
No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 11.3.2004

Uv/