

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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O.A.No 614 of 2004 <sup>July</sup>  
Dated: This the 09th day of 2004

HON'BLE MRS. MEERA CHHIBBER, J.M.

R.N.Singh, aged about 59 years. Son of  
Late Ram Pyare, working as Section Engineer  
Grade II (C&W), N.E.Railway, Bareilly City.

....Applicant.

By Advocate : Shri Sudama Ram

Versus

1. Union of India through General Manager,  
North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern  
Railway, Izatnagar, Bareilly.
3. Sr. Divisional Mechanical Engineer, North  
Eastern Railway, Izatnagar, Bareilly.
4. Sri Praveen Kumar, Divisional Mechanical  
Engineer, North Eastern Railway, Izatnagar.

...Respondents.

By Advocate: Shri K.P.Singh

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

By this O. A. applicant has challenged the impugned transfer order dated 07.05.2004 whereby he has been transferred from Bareilly City to Kashganj.

2. It is submitted by applicant that as per the guidelines issued by Railway Board the normal tenure of transfer is 4 years. Of course, if the post is sensitive, the General Manager can transfer out the person prior to 4 years also. In case they have public dealings or it is otherwise

required <sup>in P2</sup> ~~with~~ the administrative exigency but in case of applicant, he does not hold any sensitive post and the period of 4 years <sup>yet P2</sup> ~~has~~ also not completed. He has submitted that in Bareilly City he has worked only for three years and six months and he is going to retire in July, 2005, therefore, it is not <sup>P2 in his interest P2</sup> ~~advisable~~ to transfer him at the rag end of his career specially when there is no complaint against him. He has further submitted that his daughter is of marriageable age and he has to marry her also. In case he is transferred at this stage, he will not be able to manage the marriage of his daughter. He has further submitted that he is at serial no.3 <sup>the P2</sup> in seniority list and the person above him are still working at the same station, therefore, he has given a representation to the D.R.M. on 19.5.2004 with a prayer to cancel the transfer order but till date the same has not been decided by D.R.M.. It is submitted by counsel for applicant at bar that applicant is continuing on sick leave.

3. Counsel for the respondents on the other hand submitted that this transfer is temporary for a period of six months only, therefore, it is an administrative exigency <sup>as such P2</sup> ~~and~~ no interference is called for, otherwise he sought time to file ~~the~~ reply.

4. I have heard counsel for the parties and perused the pleadings as well.

5. Perusal of impugned order shows that the transfer is temporary only for the person, who is being transferred from Kathgodam to Farrukhabad whereas applicant has been transferred from Bareilly City to Kashganj. Moreover, in the <sup>last para P2</sup> ~~order~~ of the order, it is stated that those persons who are being transferred, in case they have Railway Quarters at the existing station, that should be vacated immediately. This further shows that all

the transfers are not for six months only or on temporary basis, as has been suggested by counsel for respondents. <sup>R-2 do not wish to express any R-2</sup>  
In any case ~~the doubt exists~~ <sup>because</sup> in view of any merits of the case ~~since~~ applicant has already given his representation to the D.R.M., which has not yet been decided, I am of the opinion that it would be better <sup>if</sup> this case is remitted back to <sup>the</sup> authorities concerned to consider the representation of applicant and decide the same within a stipulated period. Accordingly this O.A. is being disposed off at the admission stage itself without going into the merits of the case by directing the respondent no.2 to apply his mind to the representation of the applicant and pass appropriate speaking order thereon in accordance with law within a period of six weeks from the date of communication of this order under intimation to the applicant.

6. Till the representation is decided, if no other person has joined in place of applicant, respondents may keep the transfer order in respect of applicant in abeyance.

7. With the above direction the O.A. is disposed off at the admission stage itself.

8. There will be no order as to costs.

  
Member-J

Brijesh/-