

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

D.A.No 614 of 2004
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 guide-lines issued by Railway Board the normal tenure of transfer is 14 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

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in 92
required ~~with~~ the administrative exigency but in case
of applicant, he does not hold any sensitive post and the
period of 4 years ^{yet 92} is 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,
^{& in his interest 92} therefore, it is not ~~admissible~~ to transfer him at the
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 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
^{as such 92} exigency 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 trans-
ferred from Kathgodam to Farrukhabad whereas applicant
has been transferred from Bareilly City to Kashganj.
Moreover, in the ~~bottom~~ ^{last para 92} 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. ~~I do not wish to express any~~ In any case ~~the~~ ^{exists} ~~exists~~ in view of any merits of the case ^{because} 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 if this case is remitted back to ^{the} 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.

B
Member-J

Brijesh/-