

(2)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.197 OF 2005

ALLAHABAD THIS THE 28<sup>TH</sup> DAY OF FEBRUARY,2005

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Vinod Kumar Dubey,  
Son of Shri Bhamha Devi Dubey,  
Posted as Head Clerk in the  
Office of D.R.M. Personal B.S.B.

.....Applicant

(By Advocate Shri A.K. Tripathi )

Versus

1. Union of India, through its General Manager,  
North Eastern Railway, Gorakhpur.
2. Divisional Railway manager (Karmik)  
Varanasi.
3. Divisional railway Manager,  
North Eastern Railway,  
Varanasi.

.....Respondents

(By Advocate Shri A.K. Gaur )

**O R D E R**

HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Grievance of the applicant is that he being physically handicapped (82%) has been posted to Varanasi on Compassionate grounds and the sudden and abrupt transfer now, vide impugned order dated 16.02.2005 would disable him from performing his official

*bz*

(W)

duties efficiently as the post to which he is now transferred warrants frequent move which the applicant is incapable of. The applicant has already moved a representation requesting the respondents to consider his case. The same has not been disposed of so far.

2. The counsel for the respondents' states that it is well settled that the transfer is an incidence of service and the employer has full discretion to effect transfer depending upon the service exigency.

3. While it cannot be disputed that the employer enjoys full discretion in matters of transfer and there is limited scope of judicial review save when the transfer is in violation <sup>professed</sup> of ~~proposed~~ norms or with a view to accommodate some other favorable person. In so far as the present case is concerned, the representation has not so far been disposed of. Counsel for the applicant states that the respondents may be directed to judiciously dispose of the representation taken into consideration the health condition of the applicant. Learned counsel for the respondents fairly states that it would meet ends of justice if this request of the applicant is ~~exceeded~~ to.

4. Without expressing anything about the merits of the case, this O.A is disposed of with a direction to the respondents' namely respondent no.3 to dispose of the representation-dated 18.02.2005 within a period of six weeks from today. The grounds raised in the application would form a supplementary representation to the representation <sup>already</sup> ~~also~~ made.

5. Till the disposal of the representation the applicant shall not be relieved from the post of Head Clerk in the office of respondent no.2. Statement has been made in the bar by the counsel for the applicant that applicant has not so far been relieved. The same has been taken judicial note of.



Member-J

/neelam/