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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

Original Application No.257 of 2005.

Allahabad this the 16th day of March, 2005

Hon'ble Mr. A.K. Bhatnagar, J.M.

Bal Ram Pachauri
Son of Daya Ram Pachauri
Resident of 94,
Gandhi Nagar Lalitpur,
District Lalitpur.

...Applicant.

(By Advocate: Shri S.P. Sharma)

Versus

1. Union of India,
through the General Manager,
North Central Railway,
Allahabad.
2. Divisional Railway Manager (P)
North Central Railway, Jhansi.
3. Senior Section Engineer (T.D.)
North Central Railway,
Lalitpur.

... Respondents.

(By Advocate: Shri A.K. Gaur)

O R D E R

By Hon'ble Mr. A.K. Bhatnagar, J.M.:

By this O.A. filed under Section 19 of A.T. Act, 1985, the applicant has challenged the transfer order dated 8.11.2004 (Annexure-3) and prayed for quashing the same passed by respondent No.2 on the recommendation of respondent No.3 with a further direction to respondents not to interfere into

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peaceful working of the applicant on the post of Helper First (T.D.) Lalitpur.

2. The brief facts as per the applicant are that the applicant was appointed on the post of Helper First (T.D.) in the Railway Department on 20.9.1988 as stated in the dates and events of this O.A., since the date of his joining the applicant is discharging his duties with full efficiency and caution as stated in para 4 (iii) of the O.A. As per the applicant he sent some applications to the Higher Authorities regarding the exploitation of his senior posted at Lalitpur on 2.11.2004. The applicant sent a letter to Divisional Railway Manager, North Central Railway, Jhansi about the exploitation of the applicant as Annexure-1 & 2. Ultimately, the applicant was transferred by respondent No.3 from the Office of Senior Section Engineer (T.D.) Lalitpur to the Office of Senior section Engineer (T.D.) Dholpur on the administrative ground, which has been challenged by the applicant by way of filing this O.A. Learned counsel for the applicant submitted that the applicant has been transferred from the Office of Senior Section Engineer (T.D.) to the Office of Senior Section Engineer (T.D.) without assigning any reason; the said order is illegal as well as arbitrary. It is further submitted that the transfer in mid academic session is against the policy of transfer as two daughters of the

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applicant are studying at Lalitpur. Learned counsel for the applicant finally submitted that the transfer order is illegal and not sustainable in the eyes of law.

3. On the other hand, learned counsel for the respondents submitted that the transfer is incident of service and there is no illegality in transferring the applicant on administrative ground, therefore, the O.A. is liable to be dismissed. Learned counsel for the respondents finally submitted that the representation filed by the applicant as Annexure-5 is not a representation against the transfer order but it is a complaint made against certain officers, therefore there is no illegality in the order passed by the respondents in transferring the applicant.

4. Heard the learned counsel for the parties and perused the records.

5. I have gone through transfer order dated ✓ 8.11.2004 (Annexure-3), which has been issued ^{in the} ~~under~~ ^{intrest of} ^{exigency} ~~direct~~ administrative order, and the applicant is entitled for all the facilities, which are available in case of transfer. It is also mentioned in this order that the applicant has been relieved from his duty since 8.11.2004. It is also well settled legal position that court should not interfere generally in

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the cases of transfers, which have been made in the administrative exigencies.

6. In view of the facts and circumstances of the case, I find no illegality in the order passed by the respondents, filed as Annexure-3 of the O.A. dated 8.11.2004. Accordingly, the O.A. is dismissed in limine as no judicial interference is warranted in the order passed by the respondents. However, the applicant is at liberty to file representation to the Concerned Authority of the department and it is for the department to take action as per rules. No order as to costs.



Member - J

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