

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00423/2021

Jabalpur, this Friday, the 09th day of July, 2021

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Prem Bahadur, S/o Shri Late Bhim Bahadur
Aged 55 years, R/o 293-F, Railway Quarter
New Katni Junction (MP)
Occupation: Hospital Attendant. -Applicant

(By Advocate – **Shri Sarabvir Singh Oberoi**)

V e r s u s

1. Union of India, Ministry of Railways,
Through its General manager,
Indira Market, Jabalpur (MP)-482001
2. Western Central Railway,
Through General manager,
Distt-Jabalpur, Madhya Pradesh 482001
3. Divisional Railway Manager,
Railway Division, Jabalpur, Jabalpur 482001
4. Additional Chief Medical Superintendent
New Katni Junction, Katni (MP) 483501
5. Station Officer In-Charge,
Thane New Katni Junction,
New Katni, Katni (MP)483501
6. Veerendra Balmik, S/o Not Known
Occupation Hospital Attendant, R/o Health Centre Unit
Railway Hospital Satna, Satna (MP)-483501 - **Respondents**

(By Advocate – **Shri A.S.Raizada**)

O R D E R(ORAL)**By Ramesh Singh Thakur, JM:-**

Heard.

2. This Original Application has been filed against the impugned order dated 01.07.2021 whereby the respondent authorities have rejected the representation of the applicant. The applicant has also challenged the transfer order dated 20.05.2021 and relieving order dated 12.06.2021.



3. The main grounds for challenging the Original Application is that the applicant has not been transferred on account of administrative exigencies. Secondly the impugned order is arbitrary in nature and thirdly the applicant cannot be punished in lieu of offence done by his son.

4. The further ground put forth by the applicant is that the respondents action is malafide in nature and colorable exercise of power

5. On the other side counsel for the respondents submits that the transfer is an incidence of service and it is the prerogative of the employer only.

6. We have perused the Annexure A-6 which has been passed by respondent authorities and in Para 4 it is very clear that the applicant is working at the present place of

posting for the last 21 years and it has been further submitted by the respondents that there is no action due to ill will on the part of the authority.

7. From the pleadings we do not find any averments regarding malafide on the part of the respondents.



8. The arguments on behalf of the applicant is that as per Annexure A-3 the impugned order passed on the recommendation of the incharge of the concerned Thana, where the case of his son is pending. The counsel for the applicant relied upon one citation i.e. 1974 Vol. 4 SCC 3.

9. We are clear that the competent authority belongs to Railway service and mere giving information from the incharge of the Thana does not make any difference and as per Annexure A-1 the competent authority has clearly held that the applicant has been transferred after 21 years due to administrative necessity.

10. In view of this position we do not find any illegality in the order of the respondent authority.

11. In view of it, the Original Application is dismissed in limine.

(Naini Jayaseelan)
Administrative Member
rn

(Ramesh Singh Thakur)
Judicial Member