



Central Administrative Tribunal Lucknow Bench, Lucknow

O.A. No. 605/2019

Friday, this the 9th day of July, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Prafulla Kumar Singh, aged about 34 years
Son of Shri Ram Chandra Prasad Singh,
Resident of L/62-D, Loco Colony,
Mawaiya, Charbagh, Lucknow

..Applicant

(Mr. Praveen Kumar, Advocate)

Versus

1. Union of India through the General Manager
North Eastern Railway, Gorakhpur
2. The Divisional Railway Manager,
North Eastern Railway, Ashok Marg,
Lucknow
3. The Senior Divisional Personnel Officer,
North Eastern Railway,
Ashok Marg, Lucknow
4. The Senior Divisional Mechanical Engineer (O&F)
North Eastern Railway, Ashok Marg,
Lucknow

..Respondents

(Mr. Ashutosh Pathak, Advocate)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Loco Pilot (Goods) in the Northern Railway. For quite a long time, he was posted at

Lucknow. It is stated that on account of his family problems, the applicant has refused promotions also, with the sole object of remaining at Lucknow.

2. Through an order dated 23.07.2019, the respondents transferred the applicant to an establishment at Gonda. He made representation to the respondents with a request to cancel his transfer. That was rejected on 25.09.2019. The applicant filed this O.A. challenging the transfer order dated 23.07.2019 and rejection order dated 25.09.2019. He contends that on account of his domestic issues, his remaining at Lucknow is essential and the respondents did not undergo any inconvenience, regarding his functioning at Lucknow, over the years. He submits that there was no basis for the respondents to transfer him to a different place.

3. Today, we heard Mr. Praveen Kumar, learned counsel for applicant and Mr. Ashutosh Pathak, learned counsel for respondents.

4. The applicant was transferred on 23.07.2019 and after exhausting the remedies of representation, etc., he joined the duties at the place, to which he was transferred. Assuming that the applicant has some problems relating to his family, he cannot put them above his duties. This is not a case, where, the

applicant was suddenly transferred from Lucknow to Gonda, within a short time after he was posted at that place. He was at Lucknow for more than a decade. Under these circumstances, it cannot be said there exists any illegality in the order of transfer.

5. The applicant has made a representation for considering his case for transfer to Lucknow. The respondents may consider that as and when the occasion arises and the transfer becomes feasible under the relevant policy.

6. We, therefore, dispose of the O.A., directing that the request of the applicant for posting back to Lucknow shall be considered strictly in accordance with the extant policy. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

July 9, 2021
/sunil/vb/