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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH
ALLAHABAD.

O. A. NO. 946/87.

Jayanti Prakash Saxena..... Applicant.

Versus

The Union of India..& others..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava- V.C.

(By Hon. Mr. Justice U.C. Srivastava-V.C.)

This application has been directed against the transfer order. Subsequently during the pendency of this application the applicant amended his application. The applicant was Northern Railway employee and was working as Assistant Station Master, Clutterbuckganj, District Bareilly. It is not necessary to make a reference in between the story ~~xxm~~ which ~~has~~ been stated by the applicant. According to him he was being harassed and that is why vide letter dated 16.7.1986 he was transferred to 'Roza'.

The letter indicates that the applicant was being transferred and posted at 'Roza' on his own request. According to the applicant he never made any such request. The grievance of the applicant that the saddling of this duty at 'Roza' to control 28 Lines although at C.B. Ganj he was handling only three Lines which the applicant cannot easily perform the same. Even if much embarrassed the applicant ^{applied for} has ~~has~~ voluntarily retirement and followed by the reminders, but that too was not accepted. The applicant was noted to be learning at Roza Station through in fact no duty could be given to him in view of the fact that he could not afford to give a certificate to the effect that he has been learning the work of the Station and can work independently as Asstt. Station Master without any help. The Station Superintendant on 1.6.87 asked him to

to attend the D.R.M. Office Moradabad and to take a suitable order. Because of ill-ness the applicant could not reach there and lateron reported at Roza. The applicant approached thereafter to D.R.M. Office but as the office did not accept his request regarding his conditional premature retirement. The applicant again fell ill. According to the applicant although he is staying at Roza after he was transferred from C.B. Ganj, but the Station Superintendant is not allowing him to attend ~~the~~ and sign the attendance register. On his representation a reply was received by him that is cause of this case but nothing was being done.

Learned counsel for the respondent wanted time to file a reply, but in the circumstances it is not necessary to give such a time as such the prayer was is rejected and he has been heard. Learned counsel contended that it is a simple case of transfer. The applicant has been transferred to Roza and there ofcourse appears that he unnecessarily not performing his duties. If that be so, the respondent who have taken an action against the person are also keeping mum. The transfer order having been carried out to effect further action in the hands of the respondents but they failed to do. Subsequently in the year 1988 the applicant was transferred to Chanehti. The grievance of the applicant is that he is not being relieved from Roza. The respondents are directed either to relieve the applicant or passed a fresh transfer order and post him at the station, but let it be done within a period of two months and so far as the intervening period is concerned whether the same is to be treated as duty or partly duty or dias-non or to treat as extra ordinary leave, the same shall be decided by the respondent in accordance with the law. No order as to costs

Dt: April 28, 1992.

Vice Chairman.

(DPS)