

Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.1059 of 1987

Yatish Kumar Chaturvedi Applicant

Versus

D.R.M. (P) Jhansi Respondents

Hon.K.S.Puttaswamy, V.C.

Hon. Ajay Johri, A.M.

(By Hon.K.S.Puttaswamy, V.C.)

In this application made under Section 19 of the Administrative Tribunals Act, 1985(Act) the applicant has challenged the order dated 21.9.1987 of Divisional Personnel Officer (T) Jhansi (DPO) .

2. Prior to 21.9.1987 the applicant was working as a senior clerk in the Loco Foreman Office of Agra of Central Railway. In his order dated 21.9.1987 the D.P.O. had transferred the applicant from Agra to Dholpur. Hence this application.

3. Shri Ashok Mehta, learned counsel for the applicant contends that the transfer of his client from Agra to Dholpur retaining one Shri Ashok Kumar Sharma another senior clerk who had earlier been transferred to Dholpur from Agra in his place, is wholly unjustified, improper and illegal.

4. In the order of transfer, the D.P.O. had

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stated that the transfer of the applicant was necessitated in the interest of administration or in the public interest. A statement made to such an effect, should be normally accepted by us as correct. Every one of the allegations made by the applicant either against his transfer or against the retention of Shri Ashok Kumar Sharma, do not enable us to hold that the transfer of the applicant or the retention of Shri A.K.Sharma were not necessitated in the interest of administration or in the public interest. If that is so, then there is hardly any ground on which we can take exception to the order of the D.P.O. We see no merit in this contention of Shri Mehta and we reject the same.

5. Shri Mehta contends that the representations made by the applicant for his retention at Agra both to the DPO and various other higher authorities through proper channel had not even been considered by the D.P.O. or have been unreasonably withheld by him and in doing so, has had acted illegally.

6. Whenever representations are made to the very authority and higher authorities through proper channel they are bound to be considered by him and those made to higher authorities are bound to be forwarded by him with his own comments for such action

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as the higher authority deems fit in the circumstances.

7. In his representations, the applicant had pleaded various factors like the illness of his widowed mother as justifying his retention at Agra.

8. We do hope and trust that the DPO will forward the representations made by the applicant to the higher authorities without any loss of time and those authorities will consider and pass appropriate order on them expeditiously. But till then also, we cannot interfere with the impugned order of transfer made by the DPO who was competent to make it and had made it in the public interest.

9. In the light of our above discussion, we hold that this application is liable to be rejected. We therefore reject this application at the admission stage without notices to the respondents. But we do hope and trust that the D.P.O. will forward the representations made by the applicant to the higher authorities and they will deal with them all such expeditious as is possible in the circumstances.

M. S. Ramesh
Vice Chairman 10/11/87

श्रीराम शर्मा
Member (A)

Dated the 10th. Nov., 1987.

RKM