

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

OA NO. 521/1992

THIS THE 6th DAY OF FEBRUARY, 2001

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR. S. DAYAL, MEMBER(A)

1. Jiut a/a 40 years, son of Ram Avtar, resident of village Kushahi, Post, Rampur, District Ghazipur.
2. Ram Lakan son of Bhola Nath, a/a 39 years, resident of Chak Hinota, Post Chhipadiya, Allahabad.
3. Krishna Prasad, son of Jaydish Prasad a/a 34 years, resident of village Jeena, Post Nasriganj, District Rohtash (Bihar)
4. Ram Vilas aged about 33 years, son of Raj Bali, resident of village Deokali Vishunpur Post. Paganj, District Mau.
5. Ram Vijai, aged about 34 years, son of Ram Kishun, resident of village Madaariya, Baragaon, Ghazipur.
6. Bajrangi aged about 41 years, son of Shiv Baran resident of Madaariya, Baragaon, District Ghazipur.
7. Sudarshan son of Somaru, resident of Singair, Ramsalia, District Ghazipur.
8. Jaldar Prasad Mandal, son of Shankar Mandal resident of I.C.W., N.E. Railway, Madhosingh.
9. Manik Chandra a/a 33 years, son of Kali Charan, resident of village Avarta, Post Kadtiha, District Allahabad.

...Applicants

(By Shri T. Bhattacharya, Advocate)

Versus

1. Union of India through Chairman, Railway Board, New Delhi.
2. General Manager, N.E. Railway, Gorakhpur.
3. Senior Divisional Engineer Ist, N.E. Railway, Varanasi.
4. Ashok Kumar Mishra, Senior Divisional Engineer, Ist, N.E. Railway, Varanasi.
5. Inspector of works, N.E. Railway, Madoo Singh.
6. Kripa Shankar Pandey, Inspector of works N.E. Railway, Madhao Singh.
7. Permanent way Inspector, N.E. Railway, Varanasi.

...Respondents

(By Shri A.K. Gaur, Advocate)

AV

OA NO. 972/1993

1. Sita Ram Hajari son of Bhatukki Hajari, a/a 45 years, Khalasi, in I.O.W. North, Varanasi.
2. Sarvar, son of Shiv Ji a/a 36 years. Khalasi, in I.O.W. North Varanasi.
3. Srikant Pandey, son of Sri Chauhari Sarana Pandey, aged about 36 years, Khalasi in I.O.W. North, Varanasi.
4. Makhodhar son of Ram Adhar, aged about 36 years, Khalasi, in I.O.W. North, Varanasi.
5. Shekh Anvar Ali son of Abdul Jalil aged about 36 years, Khalasi, in I.O.W. South, Varanasi.
6. Duddh nath son of Kisun, aged about 52 years, Khalasi, in I.O.W. South Varanasi.
7. Nagina, son of Narayan, aged about 51 years, Khalasi, in I.O.W. City, Varanasi.
8. Sukhram son of Jaggan a/a 51 yrs, in I.O.W. South, Varanasi.
9. Ram Prasad s/o Dal Singh, Khalasi, a/a 38 years, 10
10. Ram Janam s/o Mahesh Khalari, a/ 35 yrs, both 9 & 10 are Khalasi in I.O.W. Maduwadeh, Varanasi.
11. Kanaihya s/o Teeglur Khaleri, a/a 34 yrs, in I.O.W. South N.E. Railway Varanasi.
12. Teemal son of Laxan Khalasi, a/a 35 yrs and
13. Sudarshan s/o Baj Nath Khalasi, a/a 45 yrs both Khalasies in I.O.W. North, N.E. Railway, Varanasi.

...Applicants

(By Shri T. Bhattacharya, Advocate)

Versus

1. Union of India, through Chairman, Railway Board, New Delhi.
2. General Manager, N.E. Railway, Gorakhpur.
3. Senior Divisional Engineer, 1st N.E. Railway, Varanasi.
4. Sri Anurag Sharma, Senior Divisional Engineer, 1st N.E. Railway, Varanasi.
5. Inspector of works, N.E. Railway, Varanasi, Cantt, North, Varanasi.
6. Inspector of works, N.E. Railway, Varanasi Cantt South, Varanasi.
7. Inspector of works, N.E. Railway, Varanasi City, Varanasi.
8. Permanent way Inspector, N.E. Railway, Varanasi.
9. Assistant Engineer, N.E. Railway, Varanasi.

...Respondents

(By Shri A.K. Gaur, Advocate)

ORDER (ORAL)

Shri S.Dayal, Member (A):

These are two applications which have similar issues and facts of law and, therefore, they are being heard and disposed of together by a common order.

2. The applicants have come to the Tribunal for stay of the order of transfer dated 16.3.1992 and to restrain the respondents from interfering with the applicants' working in the present capacity in the office of the Inspector of Works N.E.Railway as also in the office of Inspector of Works N.E. and Railway Varanasi Cantt. North/Varanasi ~~Cantt.~~ South and Varanasi City. We have heard the learned counsel for the contending parties.

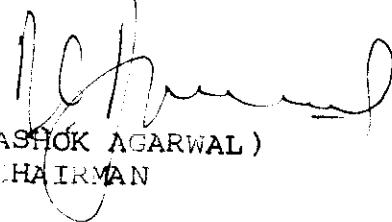
3. The learned counsel for the applicants has assailed the order of transfer on the ground that the transfer is bad in law because it is being made from one department to another. The two departments, according to the learned counsel for the applicants are the office of Inspector of Works and the office of the Permanent Way Inspector. Thus the classification of the applicants has been changed. The learned counsel for the applicants, however, concedes that the applicants are working in the Engineering department of the Railways where they work ^{ed} in the offices of the Inspectorate of Works and the Permanent Way Inspectors.

4. The facts of the cases show that gangs of the applicants were transferred from the P.W.I N.E. Railway Varanasi to I.O.W Madhosingh first and thereafter they are being transferred from Madhosingh to Varanasi by the impugned order. The applicants have not assailed the first transfer from the original unit under P.W.I. to Inspectorate of Works. If they are sent back to their unit from which they were originally transferred, the second order of transfer, therefore, cannot be assailed on the ground that it could not have been made.

5. The learned counsel for the applicants has stated that there are different medical standards for those working under the IOW and those working under the PWI. He has brought to our notice the case of Ram Vijay, applicant no.5 in OA No.521/1992 whose transfer to P.W.I. was cancelled because he was found to have been suffering from colour blindness. Thus we have no manner of doubt that while transferring the applicants from one department to another, the respondents take into account their medical category. The learned counsel for the applicants' request : that the respondents should be directed to consider it is not valid in the circumstances of the case.

6. We find no illegality in the orders of the transfer and therefore, the applications are dismissed as ^{being} devoid of merit. No costs.


(S.DAYAL)
MEM.R(A)


(ASHOK AGARWAL)
CHAIRMAN