

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 798 of 1992

Chandrama Prasad

..... Applicant

Versus

Union of India and Ors

..... Respondents

CURIA:

Hon. Mr. Justice U.C. Srivastava, V.C.

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

In this case the applicant was prayed to quash and set aside the impugned transfer order dated 3.6.1992 with all consequential benefits. The facts as stated by the parties it appears that the applicant was initially appointed as Casual labour under the Permanent Way Inspector Northern Railway Allahabad Division. He came on transfer from (PQRS) Northern Railway Chunab in the unit of PQRS (Spl) Mirzapur after medical examination. In the year 1986 when the applicant was working under P.W.I (PQRS) Northern Railway, Mirzapur he was transferred to Aligarh but on his request his transfer order was ~~already~~ stayed.

2. By the instant order the plea according to the applicant that he has been transferred from one



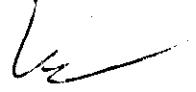
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seniority unit to another seniority unit i.e. under P.W.I (PQRS) Northern Railway Manda Road, which is arbitrary and punitive and in violation of provisions of Para 2501, 2508 of Indian Railway Establishment Manual and Rules 202 and 203 of the Indian Railway Establishment Code and the discrimination has been done among the casual labourers. Although he has been worked for the last 15 years though the particular status has not been given and yet he has been transferred in place of one Vijai Kumar Gangman who is being utilised at the residence of respondent no.4 as chaperasi has been illegally retained. The applicant has been pointed out the difficulty with his family member who was ill and under treatment.

3. According to the respondents, infact it is not a transfer order but he along with others have been directed to work in PQRS Manda Road as per requirement of work due to shortage of casual labour and the same is not a transfer order. So far as Vijai Kumar is concerned, it has been stated that being senior gangman he has not been transferred and it is not only the applicant who has been sent to work at Manda Road but others have also been sent. It may be sometimes the services of particular persons elsewhere is required and that is why he has been sent. The distance between Mirzapur and Manda Road is not too far and the applicant is still continues to be in his own wing. He has only temporarily sent for work in that event, for that he cannot claim any benefit nor any

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grievance. If he would have been transferred to a place which is too far away from the place although he can attend the family even now. Whenever the question of transfer arises, obviously the claim of the family problem ~~can~~ ^{be} also/taken into consideration but it is not a transfer order and it appears to be only a temporary work order and the applicant performed his duty there. However, whenever the question of transfer order it is expected that the respondents will do the things in a fair manner. With these observations the application stand disposed of finally and the relief/claimed are refused. No order as to the costs.


Vice Chairman

Dated: 13th Nov: 1992

(Uv)