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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. 1096 of 1992

Ramanand Singh Applicant.

Versus

Assistant Engineer Northern
Railway Fatehpur and others Respondents.

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

The applicant was initially appointed as a Khalasi after regular selection on 6.4.1979 and thereafter on 21.12.1988, he was promoted as Storeman in the pay-scale of Rs. 800-1150 and posted as such in the office of the Inspector of Works Kanpur Central. The father of the applicant died and the applicant's children and mother was residing in Fatehpur District. The applicant moved an application for his transfer to Fatehpur for looking after his widow mother and children. Vide order dated 16.4.1992, passed by the respondent no. 3 the applicant was transferred in the same pay scale along with the post which he was holding with the approval of the respondent no. 1 and of the Inspector of Works Fatehpur and on his own request to the office of the Inspector of Works Fatehpur at his own expenses without getting any transfer benefits. Thereafter, the employees of the said branch of the Railway threatened the administration to go on strike and that is why, after 4 months the transfer order of the applicant has been cancelled and the applicant was again transferred to Kanpur and ultimately, the applicant joined at Kanpur.

2. The respondents in their return have stated that due to the Union Pressure ^{and threat to} by Dharna and ~~threat of~~ strike, the relevant sanction ~~could~~ not be obtained as there was fear of stoppage of the trains, and that is why, the order of transfer was cancelled. From the fact, it is thus clear that the functioning of the Railways dependants more upon the union. But as the transfer order of the applicant has already been cancelled and the applicant has joined again at Kanpur for no fault of his, the respondents are oblige to pay full salary to the applicant. Because of the pathetic condition of the applicant, he was transferred from Kanpur to Fatehpur but the cruelty of the Union people did not allow the applicant to work on his transferred post. This is the matter between the applicant and the Railway Administration. In case the vacancy is still available and without harming anyone in the Fatehpur division, it is for the Railway administration to transfer back to the applicant at Fatehpur because the reasons already given. Once the Railway Administration transferred the applicant to Fatehpur and thereafter showed its weakness and succumb to the threat and pressure and could not maintain the transfer order, as such, it is their duty to pay full salary to the employee who has been made to suffer because of their weakness.

3. Accordingly, the respondents are directed

(6)

- 3 -

to pay full salary to the applicant even for the period during his salary has not been paid i.e.

including 4 months for which his salary was not paid before he joined at Kanpur. ^{Let this payment be made within 3 months} The application is disposed of with the above observations. No order as to the costs.

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Vice-Chairman

Dated: 6.4.1993