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THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No.654 of 1993

Kunwar Pal ... Applicant

versus

Union of India and others ... Respondents

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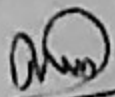
HON'BLE MR MAHARAJDIN, MEMBER-J

This is an application of the applicant seeking the relief for cancellation of transfer.

The applicant was appointed as a Gangman/Casual Labour on 30 06 78 and worked for a total period of 844 days under P.W.I. Mainpuri. The applicant is Casual Labour and he has claimed that his job is not transferable in view of the Circular Letter issued by the Railway Board.

I have heard the learned counsel for the applicant at admission stage.

The applicant has filed copy of the Circular Letter of Railway Board dated 02 04 86 No.220E/190-XII-A(Prv) (Annexure A-4) according to which the services of Casual Labour are not transferable, and the relevant portion of the said Circular Letter is reproduced as under :

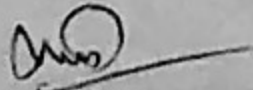


" Casual Labour refers to the labour, whose employment is seasonal, intermittant, sporadic, or extends over short periods against the job of casual nature. The Casual Labour of this kind is normally recruited from the nearest available source. It is not liable to transfer and the conditions applicable to permanent and temporary staff do not apply to such labour. They will be entitled only to those privileges especially sanctioned to them."

The applicant has not been served with the order of transfer as yet, but somehow he could know that he is being transferred from Allahabad Division to Moradabad and filed the transfer order dated 05 11 92 (Annexure A-1).

The applicant submitted representation to the respondents on 23 11 92 and 12 03 93 through proper channel for cancellation of his transfer on the ground that his wife is ill and also on account of other personal difficulties (Annexures A-II and A-III). The representations submitted by the applicant are still pending for disposal. If the applicant has not obtained the status of Class IV employee and he is working as a Casual Labour, his services are not liable to be transferred from one place to another place in view of the Circular of the Railway Board (Supra).

Considering these facts and circumstances of the case the application of the applicant is disposed of at



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admission stage with the direction to the respondents to dispose off the representations (Annexures A-II and A-III) in the light of the observations made above, within a period of one month from the date of communication of this order and till then the applicant should not be relieved on transfer from Allahabad Division to Moradabad Division.

*[Signature]*  
22.4.93  
MEMBER-J

Dated : Allahabad  
April 22<sup>nd</sup>, 1993.

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(VKS)