

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 860 of 1993

Allahabad this the 02nd day of February, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Nafendra Kumar Bhatnagar, Son of Brijendra Narain Bhatnagar, Resident of Gyanpur, District Varanasi at present Chief Medical Officer, Gandhy Eye Hospital, Aligarh.

Applicant

Advocates Shri Ratnakar Chaudhary
Shri H.P. Mishra

Versus

1. Union of India through Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Railway Board, Rail Bhawan, New Delhi through its Chairman.
3. The General Manager, Northern Railway, H.Q. Baroda House, New Delhi.

Respondents

Advocate Shri N.K. Shukla

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Narendra Kumar Bhatnagar has sought for relief from the Tribunal to set aside the orders dated 17.6.1992 and 20.8.1992 which have been annexed as annexures 4 and 5 to the O.A. and also sought for direction to respondents to treat the services of the applicant as on deputation after maintaining applicant's lien to the post occupied by him at the time of his going on deputation

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going on deputation in the Ministry of Railways and also for an order to the respondents to maintain the applicant's seniority in the classified seniority list and also the applicant be allowed to continue in his service with railway after his being relieved from the deputation.

2. In this matter inspite of notice to the respondents and their representation through Shri N.K. Shukla, Advocate, no counter-reply has been filed. It is also a peculiar factor in this matter that no one is appearing to represent the applicant for last 6 and 7 years and the learned counsel for the applicant has not even cared to amend the O.A. in the light of order passed by this Tribunal on 17.12.1993 on his amendment and impleadment application.

3. For the above reasons, the matter is being decided on the basis of documents available on record.

4. The applicant has impugned the order dated 17.6.1992 (annexure-4 to the O.A.) through which he has been communicated by the Divisional Railway Manager, Northern Railway, Lucknow that his request for transfer on deputation could not be acceded and incase he is interested to join there, he shall have to resign from the post, he was holding at that time. The applicant has failed to mention any legal position in his original application under which the D.R.M. could not issue this order and

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no sufficient ground has been shown to set aside this order.

5. The other impugned order (annexure A-5 to the O.A.) is communication dated 20.8.1992 from Government of India, Ministry of Railways, through which the applicant has been informed that the Ministry of Railways, Railway Board, have decided to accept the request of the applicant dated 29.7.92 for voluntary retirement from railway service under Rule 1802 (b) with immediate effect waiving the notice period. It has also been communicated there that the President has accorded the sanction for the same. This communication is with regard to request of the applicant himself, which could not be successfully assailed by the applicant.

6. For the above, I find the O.A. is devoid of any merit and the same is dismissed accordingly. No order as to costs.

See notes
Member (J)

/M.M./