

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 26th day of April, 2001

Original Application No.330 of 1999.

CORAM:-

Hon'ble Mr. SKI Naqvi, J.M.

Juned Ahmad Son of Late F.U. Siddiquie
Ticket Collector Northern Railway,
Allahabad Division at Allahabad Railway
Station.

(Sri A.K. Srivastava, A.M.)

..... Applicant

Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Rail Manager, Northern Railway, Allahabad Division, Allahabad.
3. The Senior Divisional Commercial Manager, Northern Railway, Allahabad Division, Allahabad.
4. Divisional Rail Manager (Personnel), Northern Railway, Allahabad Division, Allahabad.

(Sri Prashant Mathur, Advocate)

..... Respondents

O R D E R (o_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

The applicant has come up seeking relief to the effect that the impugned order of transfer be quashed and the respondents be directed to re-transfer the applicant from Lucknow Division to Allahabad Division.

2. As per applicant's case, while he was posted in Allahabad Division, he was suspended on vigilance

complaint but this suspension order was revoked on 18-3-1999 followed by transfer order dated 19-3-1999. The applicant has impugned this transfer order mainly on the ground that it is punitive in nature though given shape of simplicitor transfer order and, therefore, it deserved to be quashed. The respondents have contested the case, filed the counter reply with the mention that it is an order under exigencies of service but at the same time has accepted the involvement of Vigilance Department.

3. Heard learned counsel for the parties and perused the record.

4. Learned counsel for the applicant mentions that the applicant has been transferred from one Division (Allahabad Division) to another Division (Lucknow Division) under orders of DRM (P) Allahabad who has no legal authority to transfer an official from his Division to other Division.

5. Sri Prashant Mathur, counsel for the respondents while making submissions in reply ^{look} ~~put~~ me through the Railway Board Circular dated 2-10-1998 through which the policy regarding transfer has been conveyed with the mention that staff in mass contact areas detected to be indulging in malpractices should also be transferred on inter-divisional basis. This circular may justify the impugned order on the side of transfer on the ground of malpractices but does not confer power on DRM to transfer personnel and employees from one Division to the other Division.

6. For the above I find, the impugned order has not been issued by the authority ~~who~~ was competent to issue

SCC

the same and, therefore, quash accordingly. However,
the competent authority is not precluded to pass fresh
order. The OA is disposed of accordingly. There shall
be no order as to costs.

Se me agu

Member (J)

Dube/