

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 424 of 1999

Allahabad this the 18th day of October, 2000

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

M.M. Khan, aged about 53 years, S/o Late Sri Mohd. Hanif Khan, R/o Quarter No. H/98, Railway Colony, Near Joyharrish School, Agra Cantt.

Applicant

By Advocate Shri Rakesh Verma

Versus

1. Union of India through the General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. The Divisional Railway Manager, Central Railway, Jhansi.
3. The Senior Divisional Personnel Officer, Central Railway, Jhansi.
4. The Senior Divisional Mechanical Engineer, Central Railway, Jhansi.
5. The Divisional Mechanical Engineer(Diesel) Central Railway, Agra Cantt.
6. Shri A.K. Mudgal, working as Junior Chargeman in ad hoc capacity and posted at Diesel Shed

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Agra under the control of the Divisional Mechanical Engineer(Diesel), Central Railway, Jhansi.

7. Shri Iqbal Hussain, working as Junier Charge-man in ad hoc capacity and posted at Diesel Shed, Agra under the control of the Divisional Mechanical Engineer(Diesel), Central Railway, Jhansi.

Respondents

By Advocate Shri K.P. Singh

O R D E R ( Oral )

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

The applicant Shri M.M. Khan while working as Master Craftsman at Agra under respondents establishment, appeared in promotion test and qualified the same and thereby empanelled for promotion to the post of Junior Chargeman (Junior Engineer Grade II) in the scale of Rs.5000-8000. This empanelment was followed by promotion order dated 14.9.1998 through which the applicant was promoted and posted at Jhansi but for some personal reasons, <sup>c</sup>the applicant moved representation (annexure A-4) dated 18.9.98 for refusal to proceed on promotion, but before this request could be acceded, the applicant moved another representation dated 24.9.1998 with the prayer that without taking into account his refusal to proceed on transfer, he be accommodated at Agra. In this representation, he also mentioned that he could be promoted and posted at Agra where

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the vacancies are available. Before any order could be passed on this representation, the applicant opted to place another request dated 08.10.1998 with the prayer that he may be posted at Dhaulpur. Consequently, the impugned order was passed on 07.1.1999 posting the applicant- Shri M.M. Khan as Junior Chargeman, Dhaulpur. This order was also not to the convenience of the applicant, therefore, he has come up before the Tribunal impugning the same mainly on the ground that when the post is available at Agra he should not have been discriminated and arbitrarily transfer to other station.

2. The respondents have contested the case and filed the counter-reply, mainly on the ground that the impugned order has been passed <sup>and</sup> on own request of the applicant, also that no vacancy is available at Agra against any sanctioned post. Shri Mudgal and Shri Iqbal Hussain, who are Junior working there as Chargeman, are posted on ad hoc basis against surplus post at Agra and are also going to be transferred to Jhansi.

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

4. The facts of the case as narrated above, lead to a conclusion that the applicant could not make up his mind at proper time to place his request, first he hurriedly refused the promotion

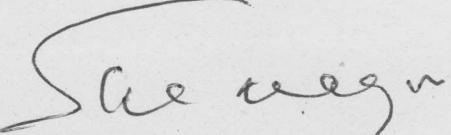
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and thereafter he withdrew that refusal and then again moved a request for being posted at Dhaulpur, and when posted at Dhaulpur, he has again assailed that order and has come up before the Tribunal.

5. I do not find a proper case which warrants judicial interference in the discretion of the authorities in the respondents establishment who are supposed to be the best person to ascertain as to who is to be posted where. The applicant has also not mentioned any acceptable compassionate ground for which his movement from Agra, is inevitable.

6. For the above, I do not find a fit matter to interfere, but part with the observation that incase the applicant could be accommodated at Agra, the competent authority may consider sympathetically when such occasion arise, and it will be in the interest of the applicant to comply with the impugned order and join at the place to which he has been transferred, ~~as per impugned order~~. The O.A. is decided accordingly with the above observation, and obviously the interim order stands vacated. No order as to costs.



Member (J)

/M.M./