

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 29th day of September 2000.

Original Application no. 540 of 1999

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Suraj Pal,  
S/o Late Sri Bihari,  
helper Khalasi,  
R/o power cabin Juhi Kanpur.

... Applicant

C/A Sri N.L. Agarwal

Versus

1. Union of India through the Secretary,  
Ministry of Railway, New Delhi.
2. Divisional Railway Manager, Northern  
Railway, Allahabad.
3. Senior Section Engineer Signal, R.R.I.  
Juhi Northern Railway Kanpur.

... Respondents

C/Rs Shri A. Sthalekar

*S. A. S.*

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O R D E R (Oral)

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

Applicant Shri Suraj Pal, Khalasi, Juhi, Kanpur, was promoted and transferred for sarsaul vide order dated 19.03.99, copy of which has been annexed as annexure 1. This transfer order was not convenient to the applicant, hence he has approached the Tribunal under section 19 of the Administrative Tribunals Act, 1985, with the prayer that respondents be directed not to transfer the applicant from Kanpur to Sarsaul, sub station.

- Respondents have furnished the transfer order dated 08.07.99, through which Shri Suraj Pal, applicant has been transferred on promotion to Juhi, Kanpur, which is acceptable to the applicant, but now the grievance remains that ~~then~~<sup>there</sup> he reported at Juhi, his presence was not acknowledged and he was not allowed to join and work ~~there~~<sup>there</sup>. This fact has been brought through rejoinder affidavit, which has been replied by the respondents with the mention that after service of impugned transfer order for sarsaul, the applicant proceeded on medical leave and filed medical certificate from Railway Doctor, now he can join only when he files medical fitness.

2. Heard learned counsel for the rival contesting parties and perused the record.

*Seen*



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3. It is not in dispute that the applicant proceeded on medical leave after having received the impugned transfer order and now he is ready to file fitness certificate, if he is allowed to join. This prayer has come during arguments from the side of the applicant. The fitness is a condition precedent to join the duty and hence, the prayer of the applicant to allow him to join and then to require him to file fitness certificate cannot be accepted.

4. For the above I do not find that any direction is needed in the matter to satisfy the false <sup>alib</sup>~~witnesses~~ of the applicant. The OA is dismissed accordingly.

5. There shall be no order as to costs.

*S. C. Raghav*  
Member-J

/pc/