

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 24<sup>th</sup> day of January, 2000

Original Application No.817 of 1999

District : Mathura

CORAM:-

Hon'ble Mr. S. Biswas, A.M.

R.R. Pippal, S/o Late Shri Chirmoli Ram,  
R/o Near Bus Stand, Radhanivas, Vrindavan,  
District Mathur.

(Sri H.C. Shukla, Advocate)

. . . . . Applicant

versus

1. Union of India through Secretary/Railway Board,  
Rail Bhawan, New Delhi.
2. General Manager(P), North Eastern Railway,  
Gorakhpur.
3. General Manager(opp.), North Eastern Railway,  
Gorakhpur.
4. Divisional Railway Manager, Izatnagar(Bareilly),  
North Eastern Railway,
5. Divisional Railway Manager(Opp.), North Eastern  
Railway, Izatnagar, Bareilly.
6. Divisional Railway Manager(P), North Eastern  
Railway, Izatnagar, Bareilly.

(Sri Amit Sthalekar, Advocate)

. . . . . Respondents

ORDER

In this OA No.817/99, the applicant has sought that the order No.E/162/L/RR Pippal/Pari/98 dated 11-6-1998, readwith order dated 6-3-1997 by the respondent no.6 be quashed and his posting at Mathura Cantt Station as Station Manager be continued. Consequently, the present Station Master (clarified by the counsel for the respondents as "Station Manager") be directed to hand over the charge to the applicant. His leave as ordered by the Hon'ble High Court be regularised.

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2. The order dated 11-6-1998 was tentatively issued by the respondent in compliance with the Hon'ble High Court's direction dated 27-5-1998. The applicant went to the Hon'ble High Court admittedly as he had failed to get a favourable decision to his OA No.995/97 from CAI. The applicant holding a transferable post inter alia contested his transfer from out of Mathura Cantt on the basis of a 'Rlys) departmental instruction favouring infrequent transfer of Scheduled Caste employees, in order to ward off harassment. His present application is third in a row - is to be read as a sequel to the judgement of the Hon'ble High Court dated 27-5-1998.

3. The present application (OA No.817/99) was first heard by the Bench and later on transferred to the single Bench being a limited case of transfer matter. On 29-9-99, the applicant's counsel prayed for relief mainly on two counts (i), The respondents did not pass any order on regularisation of leave and consequent benefit as per direction of the Hon'ble High Court (27-5-98). It was observed that the respondent no.6 had passed an order dated 11-6-98 holding the transfer of the applicant from Mathura Cantt to Brindaban as in order. Railway Board's instruction dated 19-11-1970 on the quantum and question of frequent transfer of Scheduled Caste employees was again highlighted in order to seek the applicant's retention at Mathura Cantt from where he was transferred only after 8 months allegedly without much of an administrative justification to do so. The applicant also had cited instances of harassment on caste consideration, including assault for which FIR was lodged. The Court gave an interim stay of the transfer of the applicant and directed the respondents to maintain status quo till the next date of hearing.

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4. On 15-10-1999 further clarifactory directive was given by the Tribunal. "The order dated 29-9-1999 is quite clear, according to which the order transferring the applicant from Mathura to Vrindaban was to be ignored and status quo as it may emerge to be maintained".

5. On 4-1-20000 it was reported before the Tribunal that neither the interim stay was implemented nor the department's order was honoured by the Station Manager (not Master), Shri M.R.Meena, The Tribunal directed Sri Meena's personal appearance.

6. Today (on 21-1-2000) Shri Meena appeared in person. The learned counsel for the respondent sought exemption from his personal appearance.

7. The counsel for the respondents submit, that by virtue of order dated 22-12-1999 in this case, the impugned orders dated 11-6-1998 readwith order dated 6-3-1997 stand inoperative. Consequently, the posting of the applicant at Mathura Cantt as Station Master also stands as confirmed by the respondents. Hence, no cause of action survives.

8. It is seen that no order regarding his leave and salary has as yet been passed by the respondents.

9. The counsel also pointed out that the delay in handing over of the charge to the applicant is contributory. The applicant only demanded the keys not full charge which has been prepared. Records to this effect have been seen by me. They are substantially correct. Shri Meen is exempted from personal appearance, till further orders. As the <sup>respondent</sup> applicant has prepared the papers for handing over full formal charge, it is thus ordered that the charge in full be given to the applicant by Shri Meena within three

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days which are deemed to be adequate. Respondent no.6 or the  
SB concerned will regularise the leave and disburse salary of  
the applicant within four weeks. With this, the application  
stands disposed of with no order as to costs.

S. B. Sinha  
Member (A)

Dube/