

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1179 of 1999

Allahabad this the 05th day of December, 2000

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

Anil Kumar Srivastava, Son of Shri R.S. Lal, working as Ticket Collector, Northern Railway, Kanpur, R/o 172/5, Babupurva, Qidwai Nagar, Kanpur.

Applicant

By Advocate Shri Arvind Kumar

Versus

- 1.. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Chief Commercial Manager/P.S. Headquarters Office, Northern Railway, Baroda House, New Delhi.
4. Senior Divisional Commercial Manager, Northern Railway, Allahabad.
5. Assistant Commercial Manager, Northern Railway, Allahabad.

Respondents

By Advocate Shri A.K. Gaur

.....pg.2/-

S. Gaur

O R D E R (Oral)

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

The applicant has come up seeking
him
relief against the design to transfer/as per
direction in the letter, copy of which has been
annexed as annexure A-1 and reads as under;

"Confidential"
No.C-100/56/Pt.VI

30.8.1999

Sub. B Inter-divisional transfer of commercial
staff on administrative grounds.


Shri A.K. Srivastava, Ticket Collector,
Kanpur should be transferred from Kanpur (Allahabad
Division) and posted to Lucknow Division on admin-
istrative grounds along with post. Shri A.K.Sriv-
astava is being recommended for interdivisional
transfer on the advice of Vigilance Department
vide confidential letter no.112-VIG/02/ /1/99 (TFR)
dated 18.8.99.

Order for suspension of the above employee
has already been issued to the Division. After the
inter-divisional transfer orders are issued, the
suspension may be revoked and the staff relieved
to join the new Division.

Necessary orders may please be issued
without mentioning Vigilance references."

2. This order clearly indicates that it is
outcome of advise from the Vigilance department, who
came into picture on 27.5.1999, when there was vigilance
checking regarding the official conduct of the applicant
while he was posted as Ticket Collector, Kanpur and
some irregularities and discrepancies were found in
the 'Cash' with the applicant. It clearly goes to
indicate that this transfer order has been resorted
to as a soft option to avoid taking disciplinary

action for the misconduct, if it was warranted in the circumstances, and was also not in accordance with Railway circular dated 25.3.1997 and, therefore, I find that the impugned order is not sustainable, which is quashed accordingly. However, the department is not precluded from issuing transfer order keeping in view the service exigencies, rules and practice in this regard. The O.A. is disposed of accordingly. No order as to costs.


Member (J)

/M.M./