

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

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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. 1 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 administrative grounds along with post. Shri A.K. Srivastava 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."

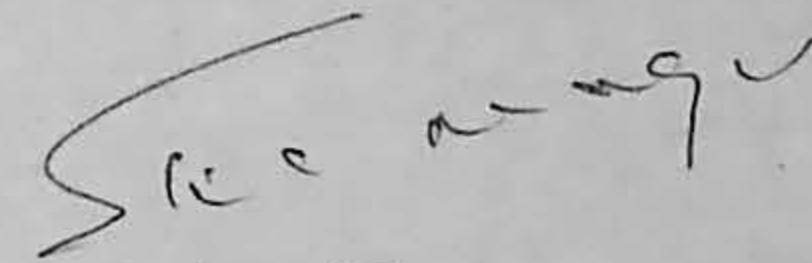
2. This order clearly indicates that it is outcome of advise from the Vigilance department, who came into picture on 27.5.1999, when there was vigilance checking regarding the official conduct of the applicant while he was posted as Ticket Collector, Kanpur and some irregularities and discrepancies were 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

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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./