

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1195 of 1999

Allahabad this the 24/7 day of July, 2000

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

Padam Kant Pandey, A/a 43 years, Son of Shri Paras Nath Pandey, R/o 177-A, Tagore Town, Allahabad, Working as Divisional Store Keeper, Northern Railway, D.R.M. Office, Allahabad.

Applicant

By Advocates Shri Shyamal Narain
Shri Satish Mandhyan

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Deputy Controller of Stores, Northern Railway, Alam Bagh, Lucknow.
3. Divisional Controller of Stores, Northern Railway, D.R.M. Office, Allahabad.
4. Deputy Chief Engineer, Central Periodical Overhauling Workshop, Post Begamsarai, Allahabad.
5. Prahlad Kumar, Divisional Controller of Stores, D.R.M. Office, Allahabad.

Respondents

By Advocate Shri A.K. Gaur

[Signature]

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O R D E R

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

The applicant - Padam Kant Pandey was transferred at his own request from Lucknow to Allahabad where he joined as Storekeeper Grade III under the Control of Divisional Controller of Stores, D.R.M. Office, Allahabad in the year 1992.

It was in September, 1999, that the applicant was made to believe that the Department of Stores is going to be abolished in the D.R.M. Office, Allahabad and after which the applicant will be sent back to Lucknow and he was advised by the respondent no.3 that the Office of Stores under respondent no.4 at Allahabad would remain there, as such, he may give his option to be transferred there and thereby he would be saved from going to Lucknow and, therefore, the applicant gave his option for voluntary transfer to the Office of respondent no.4 at Allahabad. The request of the applicant was favourably disposed and impugned order was passed transferring him from Divisional Controller of Stores, Northern Railway, D.R.M. Office, Allahabad to Deputy Chief Engineer, Central Periodical Overhauling Workshop, Begamsarai, Allahabad. After this order was passed on 21.9.99, the applicant found it inconvenient ^{to} go on transfer

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to the place which he opted for and moved an application dated 23.9.99, withdrawing his request. When this request was not allowed, he has come up before the Tribunal seeking the relief against the impugned transfer order, copy of which has been annexed as annexure A-6 to the O.A. This order has mainly been assailed on the ground that it has not been passed by the competent authority and also on the ground that the applicant being heart patient it will be very inconvenient to him to attend the Office, situated at distant place from his residence and to go through heavy road-rush.

2. The respondents have contested the case and filed counter-reply.

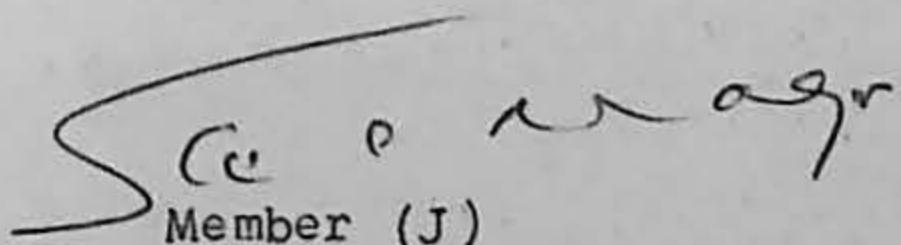
3. Heard, the learned counsel for the rival contesting parties and perused the record.

4. The applicant has come up to get quashed the transfer order, which has admittedly been passed on his own request. Learned counsel for the applicant submits that it will be very inconvenient for him (applicant), particularly when he is heart patient, to travel from his residence to the Office, to which he has been transferred, which is situated at a distant place and he will have to go through heavy rush on the road. This ground could be the weakest one to be considered on compassionate ground. One who is on transferable post, shall not expect his working place at his door steps

5. The other ground advanced from the side of the applicant is that the impugned order has not been passed by the competent authority. This position has been clarified in quite unambiguous terms that the impugned order has been passed after obtaining the approval of the competent authority for which there is no reason to disbelieve. The respondents have also clarified the position that office letter dated 30/9/99 by Deputy Chief Engineer/T.M.C., C.P.O.H. Workshop (Copy of Letter is Annexure 1) Allahabad is a departmental communication, seeking clarification on the point which has subsequently been clarified with the information that the transfer order in question has been passed after having obtained the approval of the competent authority and, therefore, this departmental query vide annexure A-7, is no more valid to provide any help to the applicant in his submission that the impugned order has not been passed by the competent authority.

6. For the above, I do not find any merit in the O.A., which is dismissed accordingly. No order as to costs. The impugned order stands vacated

/M.M./


Member (J)