

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1455/1999

MONDAY, THIS THE 6TH DAY OF MAY, 2002

HON'BLE MR. RAFIQ UDDIN .. MEMBER (J)

R.B. Dubey,
S/o Shri Shyam Behari Dubey,
Station Master/Station Supdt.,
Mainpuri Railway Station,
Mainpuri. ... Applicant

(By Advocate Shri K.S. Saxena)

Versus

1. The Union of India, through
General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad.
3. The Divisional Operating Manager,
Northern Railway, DRM Office,
Allahabad.
4. Shri D.S. Chauhan,
Working as Station Superintendent,
Mainpuri Railway Station,
Mainpuri.
5. The D.T.M., Northern Railway,
Tundla, Dist. Ferozabad. ... Respondents

(By Advocate Shri A.K. Gaur)

ORDER -(ORAL)

The applicant, who at the relevant time was working as Railway Station Master, Mainpuri, has challenged the action of the respondents by directing him orally to join from Mainpuri to Nivkarori Railway Station and has sought a direction to the respondents to permit him to

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continue at Mainpuri Railway Station till the arrival of the Senior Divisional Operating Manager at Allahabad. The applicant further seeks quashing of the order dated 26.11.1999 passed by the Senior Superintendent, Railway Station Mainpuri, and to allow him to work at Mainpuri in his present position.

2. Briefly stated the facts of the case which emerge from the records are that the competent authority to transfer the applicant is the Senior Divisional Operating Manager, Allahabad. Since the competent authority was proceeding for training at Baroda, he had verbally ordered the transfer of the applicant to Nivkarori from Mainpuri which was conveyed through the Divisional Traffic Manager Tundla vide his message on P&T Telephone to the Telephone Superintendent, Mainpuri on 29.6.1999.

3. The applicant claims that one Shri D.S. Chauhan (Respondent No.4), who was posted as Station Master at Nivkarori was transferred to Mainpuri illegally in order to harass the applicant. The applicant submitted his representation dated 18.11.1999 to the Senior D.M., Allahabad, who, vide his order dated 25.11.1999, Annexure-4, mentioned on his representation that as per order of the D.M., Allahabad, the applicant would continue at Mainpuri till the arrival of the Senior D.M., Allahabad, from training. However, the Respondent No.4, vide the impugned order dated 26.11.1999, a copy of which has been annexed

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at Annexure-1 to this O.A., stated that the applicant should hand over the charge of Mainpuri Station and proceed to Nivkarori ~~inspite~~ of the order dated 25.11.1999 referred to above passed by D.M., Allahabad, because the District Traffic Manager, Tundla, has ordered to do so.

4. I have heard Shri K.S. Saxena for the applicant and Kum. Renu Singh, for the respondents.

5. The learned counsel for the applicant has mentioned during the course of arguments that the applicant has since been transferred from Mainpuri to Dadri, then from Dadri to Amviyapur, from Amviyapur to Puphund, from Puphund to Balrai and lastly from Balrai to Nivkarori during the pendency of the present O.A.

6. Considering the fact that admittedly the order of transfer of the applicant from Mainpuri to Nivkarori was not passed by the competent authority, viz., the Senior Divisional Operating Manager and the same was also not approved at a later stage by him and the applicant was ordered to hand over charge at Mainpuri and to proceed to join at Nivkarori by the Respondent No.4, ^{The} action of Respondent No.4 is patently illegal and against the rules. The transfer of the applicant therefore from Mainpuri to Nivkarori is liable to be quashed.

7. The O.A. is accordingly allowed and the transfer ^{dated 26.11.99 - R} order of the applicant from Mainpuri to Nivkarori is quashed. No order as to costs.

D. S. Reddy
MEMBER (J)