

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ALLAHABAD

Allahabad : Dated this 15<sup>th</sup> day of February, 2001

Original Application No.1115 of 2000

CORAM :-

Hon'ble Mr, Justice RRK Trivedi, V.C.

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

1. Prakash Chand son of Ram Nath, Parcel Porter  
Under Station Manager, Agra Cant, Central  
Railway, Jhansi Division R/o Village-Sohalla,  
Post-Pratappur, Agra, near Primary School.
2. Sansari Lal son of Ajab Singh, Parcel Porter,  
Under Station Manager Agra Cantt., Central  
Railway, Jhansi Division.
3. Durga Prasad Son of Thakur Das, Parcel Porter,  
Under Station Manager Agra Cantt,  
Central Railway, Jhansi Division
4. Rajkumar Son of Prem Singh, Parcel Porter,  
Under Station Manager Agra Cantt, Jhansi.  
Division, Central Railway.
5. Munne Lal Son of Mauji Lal, Parcel Porter,  
Under Station Manager Mathura, Jhansi Division,  
Central Railway, R/o FB-83, Railway  
Colony B.A.D.
6. Narendra Pal Son of Madan Gopal, Goods Porter,  
Under Station Manager Gwalior, Jhansi Division,  
Central Railway, R/o H.No.30/132, Kidwai Park  
Road, Raj Ki Mandi Agra.

(Sri HP Pandey, Advocate)

. . . . Applicants

Versus

1. Union of India through General Manager,  
Central Railway, CST Mumbai.



2. Divisional Railway Manager, Jhansi Division,  
DRM's Office, Jhansi, Central Railway.
3. Senior Divisional Commercial Manager,  
Jhansi Division, Central Railway, DRM's  
Office, Jhansi.

(Sri GP Agrawal, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

This OA has been filed challenging the orders dated 15-9-1999 and 16-9-1999, copies of which have been filed as Annexures-A-1 and A-2. By these orders, the applicants have been transferred from Commercial Department to C & W Department on administrative grounds. These two orders were challenged by other persons in OA No.1638/1999 - Vijay Narain Bhatnagar & Ors Vs. UOI & Ors, which was dismissed by the order dated 6-1-2000. Sri GP Agrawal, counsel for the respondents placed before us a copy of the judgement. After going through the order of this Tribunal (D.B.), we do not find any ground to take different view<sup>s</sup>, though Sri HP Pandey, counsel for the applicant submitted that these applicants were not party in that OA. It is not denied that any disadvantage in salary or promotion etc. <sup>is not</sup> is likely to be caused to the applicant.

2. Sri HP Pandey, counsel for the applicant however, submitted that the Divisional Railway Manager's letter dated 30-11-2000, which has been passed as a consequence of the judgement of the Hon'ble Supreme Court in SLP No.21654/1996 in Civil Appeal No.11863/1996, several persons are likely to be transferred from Commercial Department and there

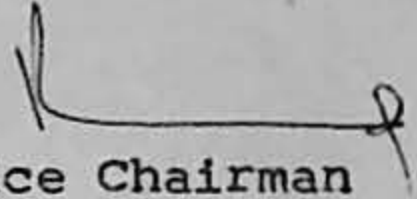




may be sufficient vacancies on which the applicants may be accommodated and they may be given liberty to request the authorities for such accommodation. As this plea is based on a subsequent development, we are not inclined to adjudge it. However, liberty is given to the applicant to approach the appropriate authority for such claim which may be considered and decided, if there is any vacancy. Subject to the above observations, the OA is dismissed with no order as to costs.



Member (A)



Vice Chairman

Dube/