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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 19th day of November 2001.

Original Application no. 325 of 2000.

Hon'ble Mr. C.S. Chaddha, Administrative Member

Ashok Kumar Mishra,  
S/o Shri Brindawan Mishra,  
R/o Mohalla Subhash Nagar,  
Near Railway Colony, Dhaka Talab,  
Shahjahanpur.

... Applicant

By Adv : Shri R. Verma

versus

1. Union of India through the General Manager,  
Northern Railway, Baroda House,  
NEW DELHI.
2. The Divisional Engineer,  
Northern Railway,  
Shahjahanpur.
3. The Permanent Way Inspector,  
Northern Railway,  
Shahjahanpur.

... Respondents

By Adv : Shri AK Gaur

...2/-



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ORDER

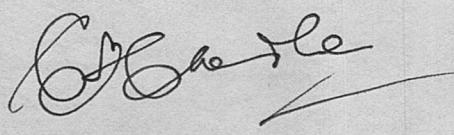
Hon'ble Mr. C.S. Chaddha, AM

Sri R. Verma learned counsel for the applicant and Sri A.K. Gaur learned counsel for the respondents.

2. The contention of the applicant is that he has been wrongly transferred being a gangman and the excess is only in the rank of khalasis. He drew the attention of the Court towards several paragraphs of the counter affidavit in which khalasis have been shown to be in excess. On the contrary in para 2 of the counter affidavit it has been clearly mentioned that there was a clear excess in the posts of gangman also. There appears to be no malafide in the transfer order because the applicant was not singled out of transfer. 20 gangmen including the applicant were transferred to Bijnour and similarly 63 others to another division. The order of this Tribunal dated 6.7.2001 in O.A. 248 of 2000 was cited to show that the order on the basis of which the transfers were made was held to be erroneous. I am afraid that the order does not give strength to the applicant's case because that order relates to surplus staff and for placing them into the cadre of khalasi.

3. It has been argued by the learned counsel for the respondent that the posts of khalasis and gangman are interchangeable. Further, in the present case gangmen were also surplus in the particular division.

4. Learned counsel for the applicant also argued that he had been subjected to frequent transfers. I am afraid, this argument is also not valid because in 1997, the applicant himself sought voluntary transfer and

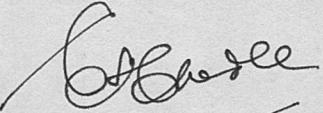


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in any case the impugned transfer order was also passed in January 2000 which is about 2 years back. He has a grievance about his losing seniority due to voluntary transfer. This is an incidental misfortune. The Govt. department cannot be restrained from making further transfers on genuine reasons specially if there are surplus gangmen in the particular division. The order has been passed after due consideration of the position of availability of vacancies and surplus staff. It cannot be denied that this order was issued purely on public interest and for better functioning of the Railways.

5. The O.A. is accordingly dismissed because the transfer was made without any malafides on the part of the Govt. department. No order as to costs.



Member-A

/pc/