

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 326 of 2000

Allahabad this the 14th day of May, 2001

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

S.R. Verma, Son of Sri R.N. Verma, resident of 285, Krishna Nagar, Kydganj, Allahabad.

Applicant

By Advocate Shri R.K. Pandey

Versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. The General Manager(VIG), Northern Railway, Baroda House, New Delhi.
3. Senior Divisional Personnel Officer, Northern Railway, Lucknow.

Respondents

By Advocate Shri G.P. Agarwal

O.R.D.E.R (Oral)

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

While posted as Assistant Station Master, Phaphamau within Lucknow Division, the applicant has been transferred to Allahabad Division vide impugned transfer order dated 01.2.2000. The applicant has impugned this order mainly on two grounds, first that as per guide lines and direction in this regard vide Servant Rule 10 of Railway Discipline and Appeal Rules incorporated as per E(D&A)65 BG 6-6 dated 25.3.1967 that the

See

... pg. 2/-

non-gazetted railway staff against whom a disciplinary case is pending or is about to start should not normally be transferred from one railway station/division to another railway station/division till/ after the finalisation of Departmental/Criminal proceedings, Whatever whether the charges merit imposition of a major or a minor penalty and the other ground is that as per impugned order, the applicant has been transferred with post on administrative ground, but there is no mention of grounds which may attract this clause of 'administrative ground'.

2. The respondents have contested the case, and replied orally without filing any counter-reply.

3. Heard counsel for the parties and perused the record.

4. The learned counsel for the applicant referred the above mentioned Rule 10 of Railway Servants (Discipline and Appeal) Rules and also referred the legal position as held in (1990) 13 A.T.C. page 532 C.A.T. Jodhpur in O.A. No. 1273 of 1987, decided on December 5th, 1989 as well as findings in O.A. No. 1102 of 1998 Lal Singh Vs. Union of India and Others, decided by this Bench of Tribunal on 25.2.1999, wherein the same controversy was in a concern before the Benches, and the contention of the applicant herein was held in view of provision contained in Rule 10 of Railway Servants (DAR) Rules dated 25.3.1967.

5. Keeping in view the facts and circumstances of the present matter and also the rule and the law in this regard, I find it expedient to direct the respondents to re-consider the transfer of the applicant as per annexure A-1 and pass appropriate order expeditiously ... pg. 3/-

Saw

:: 3 ::

keeping in view the observations as above and also the position that the applicant is being subjected to disciplinary proceedings. Till the matter is decided as above, impugned transfer order shall remain in abeyance. The O.A. stands disposed of accordingly at admission stage. No cost.

Salmagundi

Member (J)

/M. M./