

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

O.A. 585/2002

Allahabad this the 22nd day of May, 2002

Hon'ble Mrs. Meera Chhibber, J.M.

Narendra Mohan Dubey aged about 58 years  
Son of Late Bhagwan Prasad Dubey  
Chief Yard Master, Northern Railway  
Bareilly.

..... Applicant

(By Advocate: Sri.R.D. Agrawal)

Versus

1. Union of India through the  
General Manager, Northern Railway  
Baroda House, Headquarters Office  
New Delhi.

2. Divisional Railway Manager,  
Northern Railway,  
Moradabad.

3. Senior Divisional Personnel Officer  
Northern Railway Moradabad.

.... Respondents

(By Advocate: Sri A.K. Gaur)

O R D E R (Oral)

Hon'ble Mrs. Meera Chhibber, J.M.

Heard Mr. R.D. Agrawal, counsel for the applicant and  
Sri. A.K. Gaur, counsel for the respondents.

2. The grievance of the applicant is against his transfer order dated 2.4.2002 whereby he has been transferred from Bareilly to Roza. The applicant's case is that he is already taking his treatment at G.B. Pant Hospital, New Delhi and in this case he has annexed the prescription issued by G.B. Pant Hospital as late as February, March and May 2002. He has further stated that the reason given in the transfer order



is ~~that~~ staff at Bareilly more than the sanctioned post some of the persons have been transferred out but his grievance is that persons with twenty to twenty five years service at Bareilly have been detained there while the applicant has been transferred out even though he was transferred to Bareilly against clear vacancy vide order dated 9.2.98. The applicant has also stated that he is under the verge of his retirement as the date ~~of death~~ <sup>of service</sup> of the applicant is 30th November, 2004 after the extension of two years granted by the Government of India. He states he has already given a representation addressed to the General Manager which is on page 24 of the OA taking all the ground therein. He has also annexed a representation given to the Divisional Railway Manager against his said transfer which is on page 27 of the OA. He has stated that no order has been passed by the respondents on his representation and he has still not been relieved and he continues to be in sick list at Bareilly. The applicant's counsel has relied on a judgment reported in 1992 Vol.2 UPLB EC page 1106 wherein the Hon'ble High Court had directed the respondents to dispose of the representation of the applicant within a stipulated period ~~on~~ <sup>and till</sup> such time the transfer order was stayed. He has claimed that the same orders ~~have~~ <sup>have</sup> been passed in the present OA as well. I am fully aware that in transfer matters the scope of interference by the Tribunal is limited as laid down by the Hon'ble Supreme Court but since the applicant has annexed the documents with the petition to show that he is sick and is taking treatment at G.B. Pant Hospital the respondents could



always consider posting him to a station towards Delhi so that it is nearer to the place where he is taking treatment if the vacancies are available, the applicant <sup>scale</sup> can <sub>considered</sub> be ~~so~~. Since the applicant has already given the representation I think it would be in ~~the~~ the interest of justice to dispose of this OA at the admission stage itself by giving a direction to the respondents to consider the representations of the applicant and passed a detailed and reasoned order thereof within a period of four weeks from the date of receipt of a copy of this order if not already decided and till then the status quo with regard to the applicant shall be maintained in case he has not already been relieved from the post. With the above directions the OA is disposed of. No order as to costs.



Member (J)

vtc.