

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of June 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

O.A. No. 675 of 2002.

Ashok Bhatia aged about 38 years S/O Shri P.D. Bhatia, Account Assistant, Office of the Senior Divisional Account Officer, Central Ra-ilway, Jhansi, Secretary, National Railway Majdoor Union, Branch No.1, Central Railway, Jhansi.

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..... Applicant.

Counsel for applicant : Sri Saumitra Singh.

Versus

1. Union of India through General Manager, Central Railway, Chhatrapati Shivaji Terminus, Mumbai.
2. Financial Advisor and Chief Account Officer, Central Railway, C.S.T., Mumbai.
3. Senior Divisional Account Officer, Central Railway, Jhansi.
4. Shri P.R. Menon, Genl. Secy., National Railway Majdoor Union, Majdoor Bhawan, Central Railway, Qr.No.G-96, Bhandarka Road, Matunga (East), Mumbai.

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..... Respondents.

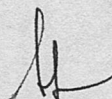
Counsel for respondents : Sri K.P. Singh.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for setting aside the impugned orders dated 16.5.2002 and 23.5.2002 transferring the applicant from Jhansi Division to Bombay Division on the post of Account Assistant. A direction is sought to the authorities not to interfere in the functioning of the applicant as Account Assistant.

2. I have heard the arguments of Sri Saumitra Singh for applicant and Sri Pankaj Srivastava, B.H. of Sri K.P. Singh for respondents.

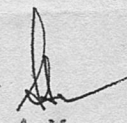


3. The order of transfer has been assailed on the ground that the order was passed due to exertion of political pressure by the Genl. Secy. of N.R.M.U. upon the General Manager and F.A. & C.A.O.. It is claimed that the transfer order is not on account of administrative exigencies or in public interest. It is claimed that one Sri S.K. Manchanda had opted for transfer to Bombay instead of which the applicant has been transferred even ^{when he had} not so opted. The applicant has also sought the setting aside of transfer order on account of Railway Board circular letter dated 26.6.2000 issued by the Joint Director Estt.(N) in which clear instructions have been issued not to transfer the office bearers of the recognised union to another place outside the existing Trade Union jurisdiction. By letter dated 26.6.2000, the Railway Board has provided as follows :-

"5. In the cases of transfers of office bearers of the two recognized Unions to another place outside the existing trade Union jurisdiction, the instructions contained in Railway Board's letter No.E(L)61FEL-43 dated 31.7.1961 shall be applicable. Accordingly, the proposed periodical transfer, if it involves change in the trade Union jurisdiction may be followed to pend till the next election of the union office bearers subject to the maximum period of one year, provided the transfer is not necessitated earlier under circumstances indicated in para 4(i) (c) above."

4. The applicant, it appears, has not approached the respondents before coming to this tribunal. He may file a representation before the respondents within two weeks which shall be decided by the General Manager, Central Railway within three weeks. In the meanwhile, the applicant may be allowed to continue at his present place of posting. With the above, the O.A. stands disposed of.

No order as to costs.


A.M.

Asthana/
6.6.02