

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of June 2002.

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

O.A. No. 718 of 2002

V.C. Saxena s/o Late Kailash Narain Saxena r/o House No.F-930,  
Budzai-I, Near Malhar Talkies, Shahjahanpur, presently posted  
as Head Parcel Clerk, Railway Station, Shahjahanpur.

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..... Applicant.

Counsel for applicant : Sri R. Saxena.

Versus

1. Union of India through G.M., N. Railway, Baroda House, New Delhi.
2. Chief Vigilance Officer, Railway Board, New Delhi.
3. Divisional Railway Manager (P), Northern Railway, Moradabad.
4. General Manager (Personnel), Baroda House, New Delhi.
5. Sri A.K. Saxena, Senior Vigilance Inspector, Baroda House,  
New Delhi.....

..... Respondents.

Counsel for respondents : Sri A.K. Gaur.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This application has been filed for setting aside the order dated 17.5.02 passed by D.R.M.(P), Northern Railway, Moradabad in so far as it relates to the applicant.

2. The case of the applicant is that he has been transferred from his present place of posting from Shahjahanpur to Delhi Division, Although he had worked only for a little over one year at Shahjahanpur. It is claimed that the transfer order is on account of the ill-will borne by the Respondent No.5 to the applicant and the influence with the Respondent No.5 <sup>as</sup> with the higher authorities.

3. I have heard Sri R. Saxena for applicant and Sri A.K. Gaur, for respondents.

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4. The first ground on which the transfer order has been assailed is that Respondent No.5 bears ill-will to the applicant and has manipulated the transfer of the applicant. Counsel for the applicant mentions that the letter dated 29.4.02 from Chief Engineer(P), New Delhi was a confidential letter on account of the fact that the transfer has been manipulated by Respondent No.5.

5. The respondent No.5 is working as Senior Vigilance Inspector and is a group 'C' official. The transfer order has been made by DRM(P), Moradabad and seems to have been passed on the basis of letter of Chief Engineer (P), New Delhi, who were both group 'A' officers. It would be <sup>too naive</sup> ~~too naive~~ to believe that a senior Inspector can influence the decision making of the higher officials.

6. As regards the periods spent by the applicant at his place of posting, it is based on guide-lines which do not have any statutory force and will not be subject to judicial review. The counsel for applicant has stated that the applicant had levelled serious allegations against Sri A.K. Saxena in O.A. No.1515/01 and is said to be the cause of present transfer of the applicant.

7. I have already dealt with malafides earlier. The existence of <sup>complaint</sup> ~~O.A.~~ does not lead to any different result. Therefore, there is no merit and the O.A. is dismissed at admission stage.

No order as to costs.

  
A.M.

Asthana/  
14.6.02