

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1491 OF 2003

ALLAHABAD, THIS THE 10th DAY OF DECEMBER, 2003

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

HON'BLE MR. D. R. TIWARI, MEMBER(A)

Lal Ji Prasad s/o Baldeo,  
r/o Village Chabila, Post Chauri Chaura,  
District-Gorakhpur.

.....Applicant

(By Advocate : Shri Rajesh Tripathi)

VERSUS

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. General Manager, Personnel, North Eastern Railway, Gorakhpur.
3. Senior/Personnel Officer, North Eastern Railway, Gorakhpur.

.....Respondents.

(By Advocate : Shri K.P. Singh)

ORDER

By Hon'ble Mr. Justice S.R. Singh, V.C.

Impugned herein is the transfer order dated 25.11.2003 a copy of which has been annexed as Annexure-I to the O.A. by which the applicant, a prayer Bill Issuer in the scale of Rs.3200-4000/- working in the cattering unit, Gorakhpur of the Eastern Railway, has been transferred to Kathgodam.

2. It is submitted by the counsel that the applicant belongs to Scheduled caste and according to the Railway Board's decision contained in Annexure-II, Railway Board's letter No.E(SCI)74 DM

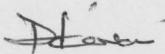
(R&J)

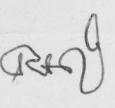
15/98 dated 14.01.1975 transfer of SC and ST employee should be confined to their native Districts or adjoining Districts or places where the Administration can provide quarters. These instructions, it is further provided, should be followed to the maximum extent possible, subject of course, to the exigencies of service.

3. Learned counsel for the respondents submits that the transfer of the applicant to Kathgodam was due to exigencies of service. However, it is not indicated as to what was the exigency which compelled the Railway Administration to transfer the applicant to a far off place. The applicant, it appears, had preferred a representation a copy of which has been annexed as Annexure-III.

4. Having heard counsel for the parties, we are of the view that the ends of justice would be best attained if the O.A. dispose of at the motion hearing stage itself with the direction to the competent authority to consider and dispose of the representation by means of reasoned and speaking order having due regard to the Railway Board's letter aforesaid and pending decision of the representation, the effect and operation of the impugned transfer order shall be kept in abeyance.

5. The O.A. stands disposed of in terms of the above directions with no order as to costs.

  
Member (A)

  
Vice-Chairman

Brijesh/-