

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 28th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

OA No. 664 of 2003

R.C. Yadav, aged about 47 years, S/O Late Shri Har Phool Singh Yadav R/O Village Pauri, Post Raipurajat, District Mathura, presently residing at C/O Shri A.P. Jain, Senior Section Engineer, Railway Qr.No. PB-IV, Near Idgah Bus Stand, VIP Road, Agra Cantt.....
.....Applicant.
Counsel for applicant : Sri R. Verma.

Versus

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager (P), North Central Railway Jhansi Division, Jhansi.
3. The Divisional Railway Manager, N.C. Railway, Agra Division, Agra Cantt.
4. The Divisional Superintendent Engineer (Coordination), N.C. Railway, Agra Division, DRM Office, Agra Cantt.
5. The Assistant Divisional Engineer (Maintenance), N.C. Railway, Agra Division, Agra Cantt.

.....
..... Respondents.

Counsel for respondents : Km. S. Srivastava.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R. Verma, learned counsel for applicant, Km. S. Srivastava, learned counsel for respondents and perused the pleadings.

2. Impugned herein is the office order No. P/PF/RCY/PW-3 dated 30.5.2003 whereby the applicant, a Head Clerk in the grade of Rs.5000-8000 under Section Engineer, P.W. North Agra Cantt, has been transferred in same grade and capacity and posted under ADEN, Manikpur in Manikpur office. It is thus, an inter zonal transfer in as much as Agra Cantt lies in the North Central Railway zone

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whereas Manikpur is situated in the zone of West Central Railway. In paragraph 10 of the counter affidavit, it has been submitted that the transfer order was passed with the approval of the competent authority namely A.G.C., Agra Cantt, Agra and Jhansi Division. It is not disputed that Agra Division and Jhansi Division have different D.R.Ms. and both of them fall under North Central Railway whereas the applicant has been transferred to West Central Railway for which the Competent Authority is the Zonal Manager. In the circumstances, therefore, the impugned order cannot be sustained. It is true that the transfer orders are normally not liable to be questioned and are not open to challenge but a transfer order passed in contravention of statutory rules or by an authority having no jurisdiction is liable to be interfered with. Since the impugned order has been passed by an incompetent authority, hence the same cannot be sustained in law. Therefore, the impugned transfer order dated 30.5.2003 is quashed with liberty to respondents to pass such order of transfer/posting as may be deemed fit and proper by the competent authority.

The O.A. is disposed of in terms of the above direction with no order as to costs.

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V.C.

Asthana/