

(2)
OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO.1269 OF 2006

ALLAHABAD THIS THE 21ST DAY OF NOVEMBER 2006.

HON'BLE DR. K.B.S RAJAN, MEMBER-J
HON'BLE MR. P.K. CHATTERJI, MEMBER-A

M.S. Saxena aged about 58 years son of late Shri H.S. Saxena, resident of 1154/1, Issai Tota, Khati Baba, Jhansi.

.....Applicant

(By Advocate: Sri R.K. Nigam)

Versus.

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Chief Personnel Officer, North Central Railway, Allahabad.
3. Divisional Railway Manager, North Central Railway, Jhansi.
4. A. Thanudurai, Private Secretary (II) under Divisional Railway, Jhansi, through Divisional Railway Manager, North Central Railway, Jhansi.

.....Respondents

O R D E R

By Dr. K.B.S Rajan, J.M
Heard Sri R.K. Nigam, learned counsel for the applicant.

2. The applicant is aggrieved by Annexure A-1 order dated 10.11.06 whereby he has been transferred from Jhansi and posted to Allahabad in his capacity as P.S.-1 and in his place one A. Thanudurai (respondent NO.4) has been promoted from the post of Private Secretary Grade-2 of Jhansi Division and posted Private Secretary Grade-1. The promotion of respondent No.4 is stated to be an adhoc basis till such time Recruitment Rules prescribed in the procedure for filling of that post on regular basis are not notified in consultation with Union Public Service Commission.

3. The grounds for attack of the transfer as contained in the original application as well in the representation dated 10.11.2006 (Annexure A-1) inter-alia include the following:-

- (a) The applicant is running 58 years and due for superannuation on attaining the age of 60 years.
- (b) Spouse of the applicant is functioning as Office Superintendent in the office of Chief Works Manager, Jhansi.
- (c) The impugned order dated 10.11.2006 does not specify any public interest or administrative exigency in the transfer of the applicant.

4. According to the applicant, the representation-dated 10.11.2006 has not so far been disposed of and applicant also has not been relieved from his post.

5. Heard counsel for the applicant. At the very outset, the ground that no reason (public interest or administrative exigency) has been reflected in the impugned order has to be rejected, as the Authority is not expected to specify the same as such. At best such stipulation may facilitate the applicant in drawing the necessary T.A.D.A with the benefit of joining time as provided under the Rules. The absence of the same cannot thus be ground for challenge.

6. It has been submitted by the applicant that order to the effect that transfer be not affected during the last few years of retirement are available, though the applicant is not in a position to produce the same. Similarly orders exist in regard to accommodating the Government servant when spouse is also posted in the same station.

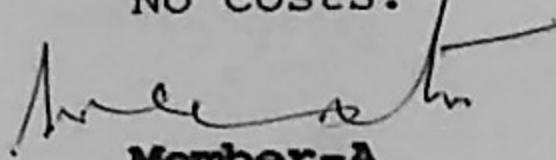
7. Considering the facts, the representation of the applicant which contains above ground has not so far been disposed of, we are of the opinion that this original application may be disposed of at the threshold stage itself, with a direction to the respondents, especially respondent NO.1, to consider the representation of the

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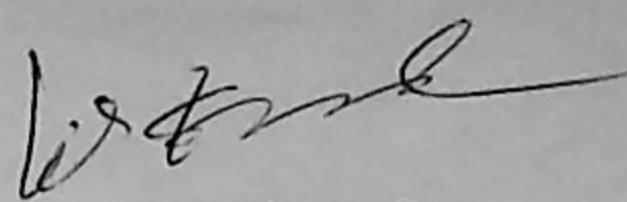
applicant alongwith the grounds raised in this original application, which may be treated as supplemental to the representation and dispose of the same as early as possible, preferably within fortnight. Till then in so far as the applicant is concerned, transfer order dated 10.11.2006 shall not be given effect to, if the same has not already been given effect.

8. With the above direction, the O.A. is disposed of.

No costs.



Member-A



Member-J

Manish/-