

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 730 OF 2007.

ALLAHABAD THIS THE 26TH DAY OF JULY 2007.

Hon'ble Mr. Justice Khem Karan, V.C.

Dr. D.P Singh, son of late Shiv Shankar Singh, R/o 81,
Station Colony, Mugalsarai, District Chandauli.

.....Applicant

(By Advocate: Sri A. Rajendra)

VERSUS.

1. Union of India through the Secretary, Railway,
Board Rail Bhawan, New Delhi.
2. The Director General, Railway Health Services, Rail
Bhawan, New Delhi.
3. The General Manager, East Central Railway, Hazipur.
4. The Chief Medical Director, East Central Railway,
Hazipur.
5. The Divisional Railway Manager, East Central
Railway, Mugalsarai.

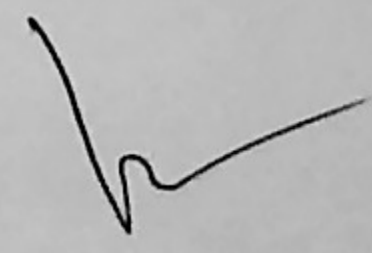
.....Respondents

(By Advocate: Sri P.N Rai)

O R D E R

Heard Shri A. Rajendra appearing for the applicant
and Shri P.N Rai, learned counsel for the respondents on
admission of this O.A.

2. The applicant, Dr. D.P Singh is aggrieved of his
transfer from Mugalasari of East Central Railway to
Eastern Railway. He has tried to say that in January
2007 ~~that~~ he was transferred to Mugalsarai of E.C.
Railway from Danapur and after 2 or 3 months, orders were
passed for transferring him from East Central Railway to
Eastern Railway and now consequential orders have also



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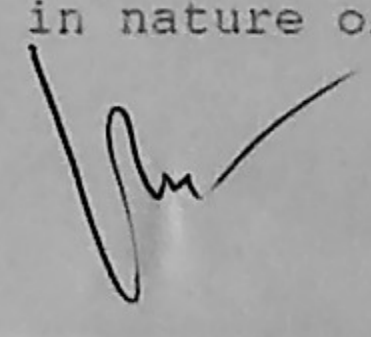
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been passed on 29.6.2007, for sending from Mugalsarai of East Central Railway to Eastern Railway. The main contention is that he is due to retire after 3-1/2 years from now and his wife is mentally ill and his son is studying in Class 10. He says, in the circumstances his transfer is bad in law. Complaint has also been made that it has been effected in mid of academic session..Shri A. Rajendra has taken me through the impugned orders and also through the contents of petition and has tried to say that the transfer in question, deserves to be quashed.

3. Shri P.N Rai has stated that applicant remained at Mugalsarai for about 12 years in all and he has been relieved in the first week of July 2007, so as to enable him to join Eastern Railway. Shri P.N Rai says on the basis of instructions, that his successor has taken over the charge in Mugalsarai on 10.7.2007.

4. It is true that transfers of employees in mid of academic session, should normally be avoided but so say that transfers effected in mid of session will always be bad in law, will not be correct. The applicant is a senior Doctor and he has been shifted to another Railway⁴. Orders for shifting were initially passed on 23.3.2007, and consequential orders were passed in June 2007. No doubt, he appears to have some family problems but that alone will not be a good ground to interfere with the transfers in question. If the applicant has any grievance, such as family problems, he may put the same before the Authority concerned and it will be for the Authority to consider the same sympathetically, as wife of the applicant is said to be a mental patient.

5. In the matters of transfer of Govt. servant and Railway servant, Courts or Tribunals normally do not interfere unless breach of statutory Rules is shown or unless it is shown to be penal in nature or is found to



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be actuated by malice. The reason is that transfer is incident of service and employee know that they may be transferred from one place to another. No doubt policy has been laid down for effecting such transfers just with a view to remove any apprehension from the mind of employees concerned that they are being subjected to any discrimination/harassment etc. I do not want to dwell upon the point any more as in my opinion, this is not fit case where Courts should interfere. Proper course for the applicant is that he should put his grievance before the respondent NO.1 and it will be for the respondent No.1, to consider the same and pass suitable orders.

6. So the O.A. is finally disposed of with a direction that in case the applicant gives self contained representation to the respondent NO.1, within a period of 15 days from today, the respondent NO.1 will consider the same sympathetically, keeping in view the alleged mental ailment of the wife of the applicant and pass suitable orders and if possible to accommodate him. This shall be done, within a period of one month from the date the representation is so received.

No costs.

dm-c
26.7.07

Vice-Chairman

Manish/-