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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO.872 OF 2007

ALLAHABAD THIS THE 21st DAY OF SEPTEMBER, 2007

HON'BLE MR. SHAILENDRA PANDEY, MEMBER-A

Gorakh Nath Choudhary, S/o Late Narad, R/o Railway
Stadium Colony, Out House 11-A, Gorakhpur.

.....Applicant

(By Advocate Shri A.D. Srivastava & Sri A. Chandra)

V E R S U S

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. D.R.M. {Personnel}, N.E.R., Gorakhpur.
3. Chief Workshop Manager {Personnel}, N.E.R., Gorakhpur.

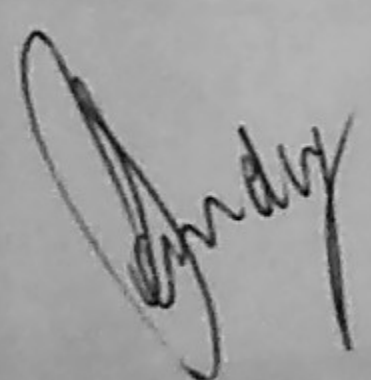
.....Respondents

(By Advocate: Sri P.N. Rai)

O R D E R

The applicant has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 challenging the order of the respondent no.3 by which he has been transferred from the Mechanical Workshop, Gorakhpur to the Mechancial Workshop Izat Nagar on administrative grounds.

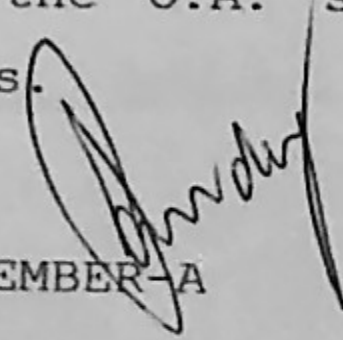
2. The learned counsel for the applicant assails the transfer order passed by the respondent no.3 interalia on the ground that the post held by the



applicant was not transferable and as such transfer order is bad in the eyes of law. On the specific query being made by the Bench to show the Rule wherein it was provided that the post held by the applicant is not transferable, the learned counsel for the applicant was not able to produce any rule or document in support of his contention that the post of Master Craftsman is not a transferable one. Thereafter, he requested that this part of the argument be kept aside and the transfer order be set-aside on account of the medical condition of the applicant's wife as she is reported to be undergoing treatment for Anxirely Neurosis and the fact that the transfer order has been made during mid academic session.

3. As the transfer is on administrative grounds, this Tribunal cannot substitute its judgment for that of the Department on this issue. Therefore, it is directed that the applicant may place his request (and the special conditions on which cancellation of transfer is sought) before the competent authority, who will consider and decide the same in accordance with law within a period of two weeks from the date of receipt of such representation. The competent authority is also directed to decide how the period of absence is to be treated, while passing the order.

3 With the above observations, the O.A. stands disposed of with no order as to costs.


MEMBER A