

Coram : Hon'ble Mr. P. H. Trivedi : Vice Chairman
Hon'ble Mr. P. M. Joshi : Judicial Member

09-05-1988

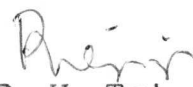
Heard learned advocates Mr. P. H. Pathak for the applicants and Mr. N. S. Shevde for the respondents. In this application he impugns the order dated 9-4-1988 at Annexure-1 which he described as Transfer order. We failed to find that there is any transfer involved. It admittedly is not a transfer from one place to another and in terms protects the seniority position of the petitioner from Rajkot and Bhavnagar division as the case may be and in terms also states that the petitioners are required to work ~~on~~ on residual work for a period of 3 to 6 months, the ~~fact~~ description for such an order is that it reallocate work to the Casual Labourers. The petitioner in this case is T. G. Sing with whom has been joined an Association.

Learned advocate for the petitioners states that at Annexure 'A' there are 71 petitioners joined and each of them has been served with similar order. We do not find that the cause of action arising in respect of each of them is so specifically averred in the petition. Learned advocate for the petitioner's plea that the terms transfer is to be ^{interpreted} ~~permitted~~ not ^{only} in the terms of change of place but also change of division is in respect of regular employees. So far as the Casual Labourers are concerned, in the judgment from this Bench we have laid down that no transfer is allowed in the case of Casual Employees who are not treated as Railway ^{employees} ~~employees~~ until their regularisation is done. In this case the petitioner has also sought to pursue other grievances regarding seniority list not being finalised and the petitioners not being regularised after screening and also for certain persons alleged to be juniors to the petitioners as ~~stated~~ stated at

2

Annexure A/3 being sought to be regularised prior to the petitioners. The petition also states that certain directions earlier given are not being complied with ^{out} ~~w~~ making clear in respect of which petitioners' cause arises in respect of such non-compliance of the directions. Suffice it to say for the purpose of the disposal of this case that such grievances as required to be pursued could be done by separate application either to the Tribunal in cases there is a non-compliance of directions or to the relevant authorities of the respondents as the case may be.

2. With these observations we find that the petition does not disclose any cause and, therefore, is rejected.


(P. H. Trivedi)
Vice Chairman


(P. M. Joshi)
Judicial Member

Shah/-