

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXXXXXXXXXXXXXXXX~~

O.A. No. 522 OF 1988.
~~XXXXXXXX~~

DATE OF DECISION 24.1.1990.

KATTIMUTHU MUTHUSWAMY & ORS. Petitioner s.

MR. Y.V. SHAH Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. Respondent s.

MR. N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. SINGH, ADMINISTRATIVE MEMBER.

The Hon'ble Mr.

- 1. Whether Reporters of local papers may be allowed to see the Judgement?
- 2. To be referred to the Reporter or not?
- 3. Whether their Lordships wish to see the fair copy of the Judgement?
- 4. Whether it needs to be circulated to other Benches of the Tribunal?

1. Kattimuthu Muthuswamy,
 2. Angalai Thangavel,
 3. Chinnapilai Karupan,
 working at Jakhwada,
 under Mr. Bhardwaj, P.W.I.(C),
 Western Railway,
 Ahmedabad. Petitioners.

(Advocate: Mr. Y.V. Shah)

Versus.

1. Union of India,
 through the General Manager,
 Western Railway,
 Churchgate, Bombay-20.
 2. Chief Engineer (C),
 Western Railway,
 2nd floor, Station Building,
 Ahmedabad - 2.
 3. Mr. Pachori or his
 successor in the office,
 Executive Engineer (C) I,
 Western Railway,
 Ahmedabad - 2. Respondents.

(Advocate: Mr. N.S. Shevde)

J U D G M E N T

O.A.No. 522 OF 1988

Date: 24.1.1990.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

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The three Railway employees working at Jakhwada under PWI(C), Western Railway, Ahmedabad have, by this joint application, challenged for themselves only the memorandum of transfer No.T.839/2 dated 18.7.1988 by which they, in a bunch of 29 VOP labourers, are ordered to be transferred to their, to quote from the order, "originating divisions in the form of their seniority as shown in the combined seniority list under DRM(E) BVP for further

posting". The applicants figured at Sr.No.3, 23 & 28 respectively in the said order which also mentions their places in the seniority list.

2. A similar order dated 18.7.88 was under challenge in O.A.No. 507/88 which has been decided by judgment dated 9.1.1990. Mr. Y.V. Shah, the learned advocate for the applicants herein and Mr.N.S.Shevde, the learned advocate for the respondents herein, had appeared for the parties in that application. The principal features of that application and the application herein are common, namely, applicants working under the same officer, common respondents, same number and date of the impugned orders, temporary status of the applicants, period of their stay at Jakhwada about three years and their originating division Rajkot. However, in the case herein, the applicants are sought to be transferred to Bhavnagar Para which is not their originating division. Mr. Shevde, during his submission, made the statement that the applicants are in fact to be transferred to Rajkot division, their originating division, and Bhavnagar Para mentioned in the order under challenge and in the respondents' reply is through typographical error or oversight. This statement made at the bar by the learned advocate for the respondents removes objection voiced at the time of arguments for the applicants that though the applicants originated in Rajkot division they are sought to be transferred to Bhavnagar division. An additional point Mr. Shah raised is that judgment in O.A.No.3/88 of Ahmedabad

Bench is applicable to this case. In O.A.8/88 the applicant casual labourers had claimed Travelling allowance for travelling from Bharuch to Kribhco Company Siding, about 30 KM. from Bharuch, which claim was held to be tenable and the respondents were directed to pay them the allowance. This judgment is not apposite in the facts of the present case.

3. As the judgment in O.A.No.507/88 fully covers the present application, it will form a part of this judgment.

4. In view of the circumstances and reasons discussed in the judgment in O.A.No.507/88 of this Bench, the application cannot be allowed and is hereby decided accordingly. The parties to bear their own costs.

M. M. Singh

(M.M. SINGH)
Administrative Member