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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~Ex-Ex-Ex-Ex-Ex-Ex~~

O.A. No. 616 OF 1988
~~Ex-Ex-Ex-Ex-Ex-Ex~~

DATE OF DECISION 13.2.1990.

NADAN ARMUGAM & 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.

- Y*
1. Whether Reporters of local papers may be allowed to see the Judgement?
NO
2. To be referred to the Reporter or not?
NO
3. Whether their Lordships wish to see the fair copy of the Judgement?
NO
4. Whether it needs to be circulated to other Benches of the Tribunal?

1. Nadan Armugam,
2. Nadan Motian,
3. Munian Muthian,
4. Irichamuth. I,
All are working at
Jakhwada, under PWI(C),
Ahmedabad.

..... Petitioners.

(Advocate: Mr.Y.V. Shah)

Versus.

1. Union of India,
through the General Manager,
Western Railway,
Churchgate, Bombay-20.

2. Mr. Panchoore 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. 616 OF 1988

Date: 13.2.1990.

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

The four applicants, casual labourers working at Jakhwada in Baroda Division of Western Railway, filed this application under section 19 of the Administrative Tribunals Act, 1985 challenging the oral order of their transfer to Bhuj in Ajmer Division of Western Railway.

2. According to the applicants, they were recruited in Rajkot Division from where they were transferred to Jakhwada in Baroda Division in the year 1985 to work on Viramgam Shahibag Doubling Project. The applicants' say is that they never requested for such a transfer and that according to para 2501 of the Indian Railway Establishment Manual, they are in a post from which they cannot be transferred. The application

same has been done at the place where work is available.

representing for posting with their husbands and the applicant husbands to be with their spouses who had taken issued transfer orders in order to facilitate the respondents, is to the effect that the railway administration of Mr. N.S. Shende, the learned advocate for the the latter could not be transferred. The submission husbands, as the applicant husbands did not so request the spouses represented for transfer / the applicant to be with Mr. Y.V. Shah for the applicants states that even if been heard and record examined. Learned advocate 4. The learned advocates for the two parties have in Rajkot Division where their seniority is maintained.

the right of the applicants to screening and absorption also say that the transfer is without derogation to representing wives are, namely, Bhuji. The respondents husbands have been transferred to the place where their their spouses at two places of the latter's choice, the availability of work to post the applicants and and as it administration was not possible looking to originating division where their seniority is maintained, under P.W.I. (C) Jakhwada or in Rajkot Division, their requesting for posting along with their husbands either applicants working at Bhuji had made representation to them. Their say is that the spouses of each of the appending of copy of transfer order which was given their reply allege that the applicants have withheld 3. The respondents contesting the application in

past.

redressal by filing petitions in this tribunal in the which the applicant casual labourers had to seek allegation to indulge towards casual labourers due to questionable and illegal practices the respondents are is punctuated with allegations of various malpractices,

5. Undeniably the spouses of the applicants had represented for their own transfer to facilitate their living with their husbands, the applicants. The Railway administration, keeping in view the availability of work at various places, transferred the applicant husbands to be where their wives are. As such, the transfer order basically assumes the characteristic of request transfer and would not be legally bad just because the same came to be issued on the representation of the spouses and for a place different from the two places the spouses had in their view. The order expressly mentions that "the cases of above labours for transfer to Bhuj have been considered, being their spouses working under Dy. CE(C) BVJ. All the above labours should note that they will finally be absorbed in Divisions concerned RJT as case may be where their seniority is maintained as per extent rules."

6. In view of the above, the challenge to the order is for flimsy, insufficient and unacceptable reasons and in case the challenge is allowed on grounds of any rigid legality only, it will prolong the agony and the stress of the spouses of the applicants who, without any say on record in this application, are living separately and working as casual labourers.

7. In view of the above, the application is hereby dismissed with no order as to costs.

M. M. Singh
(M. M. SINGH)
Administrative Member