

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

XXXXXX XXXXXXXX

O.A. No. 28 OF 1989.
XXX No.

DATE OF DECISION 16-1-1990.

JAGDISHDHAN JITUDHAN

Petitioner

MR. D.M. THAKKAR

Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA & ORS.

Respondent(s)

MR. B.R. KYADA

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr.

Ys 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?

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Jagdishdhan Jitudhan,
Office of PWI(C),
Western Railway,
Rajkot.

.... Petitioner.

(Advocate: Mr. D.M.Thakkar)

Versus.

1. Union of India,
The General Manager,
Western Railway,
Churchgate,
Bombay.

2. B.R.M.E.,
Kothi Compound,
Western Railway,
Rajkot.

3. P.W.I. (C),
Western Railway,
Rajkot.

.... Respondents.

(Advocate: Mr. B.R. Kyada)

JUDGMENT

O.A.No. 28 OF 1989.

Date: 16-1-1990.

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

B

The applicant, serving at Rajkot as Watchman casual labour in the Western Railway, has filed this application under section 19 of the Administrative Tribunals Act questioning his transfer from Rajkot to Bhavnagar Para and relief on transfer vide order dated 10.1.1989, Annexure-A.

2. The brief facts of the application are that the applicant as casual labour claims to be governed by the provisions of para 2501 of Indian Railway

Establishment Manual (the application mentions para 2511 apparently erroneously) and is not liable to transfer including transfer to another division.

3. According to the reply of the respondents, the applicant has acquired a temporary status and is liable to transfer though his seniority will be maintained in Rajkot Division.

4. When the case was called on hearing on 1.1.1990, Mr. B.R. Kyada, the learned advocate for the respondents attended but the applicant and his advocate did not remain present. The hearing therefore took place in the absence of applicant and his learned advocate.

5. At the final hearing Mr. B.R. Kyada tendered original letter No. JAM/E/O.A.28/89/45 SCA 1708/89 dated 30.3.1989 from Executive Engineer (Const.) Western Railway, Jamnagar addressed to him on the subject of application filed by Shri Jagdishdan Jithubhai. The important contents of the same are reproduced below:

"It is however stated that in view of Hon. CAT-ADI's order dated 12.1.89, the plaintiff has been taken on duty under PWI(C) Rajkot as such the cause of action does not survive."