

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~NEW DELHI~~

CA 1282/91

Stamp  
O.A./No. 328 1991.  
~~T.A. No.~~

DATE OF DECISION 26.7.1991

Mr. Premnath Omkarnath Petitioner  
Srivastava

Mr. J.A. Adeshra Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh .. Member (A)

The Hon'ble Mr. S. Santhana Krishnan .. Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
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? *No*

Mr. Premnath Omkarnath Srivastava,  
E/220-A, Old Railway Colony,  
Sabarmati,  
Ahmedabad.  
(Advocate-Mr. J.A. Adeshra)

: Applicant

Versus

1. Union of India,  
Through :  
General Manager, W.Rly.,  
Churchgate,  
Bombay.
2. Senior Divisional Engineer  
(H.Q.), Divisional Office,  
Western Railway,  
Pratapnagar,  
Baroda.  
(Advocate-Mr. N.S. Shevde)

: Respondents

CA/222/91.

O.A. Stamp No. 328 of 1991

O R A L - O R D E R

Dated : 26.7.1991

Per : Hon'ble Mr. M.M. Singh : Member (A)


This Original Application Stamp No. 328 of 1991 dated 25.7.1991 challenges the order of transfer dated 17.6.1991 of the applicant from the post of Permanent Way Inspector, Grade - I at Sabarmati to the post of Permanent Way Inspector, Maliya Miyana.


2. It is alleged that though the applicant has not completed 12 years in the present post, The order of transfer mentions that he has completed 12 years and therefore, the same suffers from non-application of mind. The second allegation is that the persons senior to the applicant in respect of their posting on a station for several years <sup>h</sup> who have not been transferred. The particulars of service and posting of the applicant, furnished in the application shows <sup>h</sup> that from 19.5.1980 the applicant is

working at Gandhinagar, Sabarmati and Ahmedabad which implies that he has been in and around Ahmedabad for the last 11 years. Even if, it is assumed for the <sup>Sake</sup> ~~sake~~ of argument that the applicant has not completed 12 years at Sabarmati in his present posting, just because a mistake as alleged, <sup>is</sup> ~~is~~ committed in calculating the period of 12 years but <sup>less</sup> ~~less~~ than that, the order suffers from an error but does not become illegal and liable to be quashed. <sup>on account of</sup> ~~on account of~~ Even six years' period is sufficient <sup>long</sup> ~~long~~ for a person to be allowed in one <sup>are</sup> ~~are~~ Station. No rules <sup>are</sup> ~~are~~ shown to us to say that the applicant could not be transferred in less than 12 years stay at a particular place.

3. In view of the above, the application is liable to be rejected. The application may be given regular Original Application number and treated as disposed of as <sup>rejected</sup> ~~rejected~~

4. <sup>However,</sup> ~~Thereafter,~~ the applicant may file representation to the concerned authority and this judgment shall not come in the way of the respondents <sup>in</sup> ~~in~~ for deciding of the <sup>representation</sup> ~~appeal~~.

  
(S Santhana Krishnan)  
Member(J)

  
( M M Singh )  
Member(A)

Mr. Premnath Omkarnath Srivastava,  
E/220-A, Old Railway Colony,  
Sabarmati,  
Ahmedabad.  
(Advocate-Mr. J.A. Adeshra)

: Applicant

Versus

1. Union of India,  
Through :  
General Manager, W.Rly.,  
Churchgate,  
Bombay.
2. Senior Divisional Engineer  
(H.Q.), Divisional Office,  
Western Railway,  
Pratapnagar,  
Baroda.  
(Advocate-Mr. N.S. Shevde)

: Respondents

*MA/ 282/91*

O.A. Stamp No. 328 of 1991

ORAL - ORDER

Dated : 26.7.1991

Per : Hon'ble Mr. M.M. Singh : Member (A)

This Original Application Stamp No. 328 of 1991 dated 25.7.1991 challenges the order of transfer dated 17.6.1991 of the applicant from the post of Permanent Way Inspector, Grade - I at Sabarmati to the post of Permanent Way Inspector, Maliya Miyana.

2. It is alleged that though the applicant has not completed 12 years in the present post. The order of transfer mentions that he has completed 12 years and therefore, the same suffers from non-application of mind. The second allegation is that the persons senior to the applicant in respect of their posting on a station for several years who have not been transferred. The particulars of service and posting of the applicant, furnished in the application shows that from 19.5.1980 the applicant is

working at Gandhinagar, Sabarmati and Ahmedabad which implies that he has been in and around Ahmedabad for the last 11 years. Even if, it is assumed for the sake of argument that the applicant has not completed 12 years at Sabarmati in his present posting, just because a mistake as alleged committed in calculating the period of 12 years but less than that, the order suffers from an error but does not become illegal and liable to be quashed. Even six years' period is sufficient for a person to be allowed in one Station. No rules shown to us to say that the applicant could not be transferred in less than 12 years stay at a particular place.

3. In view of the above, the application is liable to be rejected. The application may be given regular Original Application number and treated as disposed of.

4. Thereafter, the applicant may file representation to the concerned authority and this judgment shall not come in the way of the respondents for deciding of the appeal.

(S Santhana Krishnan)  
Member(J)

( M M Singh )  
Member(A)

\*Mogera