

*(sent for CDR)*

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

STAMP ~~O.A.~~ No.  
~~T.A.~~ No.

331

of

198 ~~XX~~ 1991

(04/283/91)

DATE OF DECISION 29.7.1991Mr. Bachubhai Ranchodbhai Patel PetitionerMr. R.R. Tripathi Advocate for the Petitioner(s)

Versus

Union of India & Ors. RespondentMr. N.S. Shevde Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. M.M. Singh

: Administrative Member

The Hon'ble Mr. R.C. Bhatt

: Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
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. Bachubhai Ranchodhbhai Patel,  
Railway Colony,  
Sabarmati,  
AHMEDABAD -380 005.

: APPLICANT

(Advocate: Mr.R.R.Tripathy)

VS.

1. Union of India, through  
The General Manager,  
Western Railway,  
Churchgate,  
BOMBAY - 400 021.
2. Chief Signal & Telecommunication  
Engineer,  
Head Quarter Officer,  
Western Railway,  
Churchgate,  
BOMBAY -400 021.
3. Chief Works Manager,  
Western Railway,  
Sabarmati,  
AHMEDABAD -380 005.

: RESPONDENTS

(Advocate: Mr. N.S.Shevde)

CORAM : Hon'ble Mr. M.M.Singh

: Admn. Member

Hon'ble Mr. R.C. Bhatt

: Judicial Member

O R A L - O R D E R

Stamp No.331 of 1991

(04/283/91)

Date : 29.7.1991

Per : Hon'ble Mr. M.M. Singh

: Admn. Member


This original application <sup>h</sup>was registered as Stamp No.331 of 91 dated 26.7.1991, has been called on urgent mention by learned counsel for the applicant Mr.R.R. Tripathy. The applicant has been filed under Section 19 of Administrative Tribunal Act, 1985, to challenge the order dated 5.7.1991, whereby the applicant has been transferred from office of Works Manager (Signal) Sabarmati to work as Office Superintendent in Sleeper Factory, SBI under XEN

(CS) SBI vice Smt. S.C. Makwana. At Sleeper Factory the applicant as Office Superintendent <sup>his</sup> in the pay Scale Rs.2000-3200/- will continue to <sup>be</sup> get the same pay scale <sup>as</sup> in his <sup>previous office</sup> <sup>the pay scale</sup> ~~due course~~ which is also of Office Superintendent. The transfer is at the same place from one office to another.

2. <sup>h</sup> ~~The open grounds to the transfer allegation in para 6.6 and 6.7 of the application are not relevant as~~ <sup>h</sup> ~~material grounds against this Tribunal or against any of~~ <sup>h</sup> ~~the respondents.~~ <sup>of his application</sup> At item III of para 6.6. <sup>h</sup> it is averred that the petitioner being a Scheduled Tribe Candidate could not be transferred unless there is a strong reason for the same. Learned counsel for the applicant submits that <sup>h</sup> ~~inconsistence~~ <sup>or rule</sup> ~~to the relief~~ existing to the effect that Scheduled Tribe Candidate are not to be transferred unless there is a strong reason. <sup>h</sup> ~~No such strong reason~~ <sup>instruction</sup> have been brought to our notice. It is difficult to presume that such <sup>instruction</sup> ~~instance~~ <sup>presuming they exist</sup> still cover transfer from one office to another office in the same place instead of transfer from one place to another place. That <sup>portion</sup> ~~being the instruction~~ <sup>h</sup> with regard to this transfer, and the Supreme Court <sup>law</sup> ~~order~~ that <sup>h</sup> Even if transfer order is passed in violation of executive instruction or orders, the courts ordinarily should not interfere with the order, instead affected parties should approach higher authority in the Department, <sup>for</sup> <sup>h</sup> This is not a case at all for our further consideration. The application is <sup>therefore</sup> ~~rejected~~ <sup>h</sup>. The applicant is free to make representation to the respondent authority <sup>h</sup>. The application is disposed of. Stamp No.331 of '91 should be registered as regular original application.



(R.C. BHATT)  
Member (J)



(M.M. SINGH)  
Member (A)

Mr. Bachubhai Ranchodhbhai Patel,  
Railway Colony,  
Sabarmati,  
AHMEDABAD -380 005.

: APPLICANT

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: RESPONDENTS

(Advocate: Mr. N.S.Shevde)

CORAM : Hon'ble Mr. M.M.Singh

: Admn. Member

Hon'ble Mr. R.C. Bhatt

: Judicial Member

O R A L - O R D E R

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(CS) SBI vice Smt. S.C. Makwana. At Sleeper Factory the applicant as Office Superintendent in the pay Scale Rs.2000-3200/- will continue to get the same pay scale in his due course which is also of Office Superintendent. The transfer is at the same place from one office to another.

2. The open grounds to the transfer allegation in para 6.6 and 6.7 of the application are not relevant as material grounds against this Tribunal or against any of the respondents. At item III of para 6.6. it is averred that the petitioner being a Scheduled Tribe Candidate could not be transferred unless there is a strong reason for the same. Learned counsel for the applicant submits that inconsistency to the relief existing to the effect that Scheduled Tribe Candidate are not to be transferred unless there is a strong reason. No such strong reason have been brought to our notice. It is difficult to presume that such instance still cover transfer from one office to another office in the same place instead of transfer from one place to another place. That being the instruction with regard to this transfer, and the Supreme Court order that 'Even if transfer order is passed in violation of executive instruction or orders, the courts ordinarily should not interfere with the order instead affected parties should approach higher authority in the Department.' This is not a case at all for our further consideration. The application is rejected. The applicant is free to make representation to the respondent authority's. The application is disposed of. Stamp No.331 of '91 should be registered as regular original application.

(R.C.BHATT)  
Member (J)

( M.M.SINGH)  
Member (A)