

Transferred

(2)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

**O.A. No. 129 OF 1992.**

~~P.A. No.~~

DATE OF DECISION 9-4-1992

Lilaben Maganbhai Bania Petitioner

Mr. O.B. Shah, Advocate for the Petitioner(x)

Versus

Union of India & Ors. Respondents

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

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial 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 ? x
4. Whether it needs to be circulated to other Benches of the Tribunal ? x

3

Lilaben Maganbhai Bania,  
Adult, Occ: Service,  
residing at Gam Panchayat Office,  
Old Police Line,  
Sabarmati,  
Ahmedabad.

.... Applicant.

(Advocate: Mr. O.B. Shah)

Versus.

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

2) District Regional Manager,  
Pratapnagar Railway Station,  
Baroda.

3) Railway Station Superintendent  
Sabarmati Railway Station,  
Ahmedabad.

..... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No. 129 OF 1992

Date: 9-4-1992.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

None present for the applicant. Mr. N.S. Shevde  
learned advocate is present for the respondents.

2. As none has appeared for the applicant I  
decide this matter after going through the record  
of this case and after hearing learned advocate  
Mr. Shevde for respondents. The applicant has filed  
this application under section 19 of the  
Administrative Tribunals Act, 1985, seeking the  
relief that the opponent No.1 & 2 should be  
restrained from transferring her from the post as

waterwoman, Sabarmati, Ahmedabad and that no junior person should get that post. She has also prayed that opponent No. 1 & 2 cannot changed the rule against the applicant.

3. Having gone through the application, it is difficult to know what the applicant actually wants the relief. The documents produced by the applicant are two only out of which Annexure A-1 is a letter undated addressed to the D.R.M., Respondent No.1, which is the representation in which she has stated that she <sup>was</sup> ~~had~~ appointed <sup>in</sup> ~~against~~ on compassionate ground on the death of her husband. Annexure A-2 is the true copy of the withdrawal order passed in Application No. 679/91 <sup>filed</sup> by the applicant from the Labour Court at Ahmedabad. The substance of her application is that after the death of her husband on 31st December, 1982 she is appointed as Waterwoman and the written order <sup>was</sup> ~~has~~ given on 2nd November, 1989. It is alleged by her that the opponents are trying to transfer her out of Ahmedabad because the applicant is likely to take legal action against the opponent No. 1 & 2. It is also the case of the applicant that one reliever Nahiben Raval is serving in her place and the opponents want <sup>to</sup> ~~to~~ transfer her out of Ahmedabad which is illegal and malicious. She has given the extent of her family saying that she ~~has~~ <sup>has</sup> four children.

8

4. There is no material to show that the respondents <sup>^</sup> ~~can~~ want to transfer <sup>^</sup> ~~of~~ the applicant nor there is any material to show that the opponents have appointed or are likely to appoint one Nahiben Raval as reliever in place of applicant. There is also no material to show that the opponent no. 1 & 2 have changed the rules against the applicant. The bear averments in the application without substantiating the same can not be allowed. I find no substance even to admit this application because except bear averments <sup>^</sup> in the application, there is no evidence to support the allegation<sup>^</sup> made in the application.

5. Hence the application is rejected summararily. Application is disposed of. No order as to costs.

*R.C. Bhatt*

(R.C.Bhatt)  
Member(J)