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NO  
Transfer

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

O.A. No. 147 OF 1992.  
~~P.A. No.~~

DATE OF DECISION 12-3-1993.

Shri Y.K. Bhatnagar, Petitioner

Mr. K.K. Shah, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

Mr. R.M. Vin, 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 ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Shri Y.K. Bhatnagar,  
Signal Inspector Grade-I,  
Western Railway, Gandhigram.  
Address: 19-C, Railway Colony,  
Gandhigram, Ahmedabad.

.... Applicant.

(Advocate: Mr. K.K. Shah)

Versus.

1. Union of India, notice to be  
served through  
The General Manager,  
Western Railway, Churchgate,  
Bombay.

2. Divisional Railway Manager (E),  
Western Railway,  
Bhavnagar Para.

..... Respondents.

(Advocate: Mr. R.M. Vin)

ORAL ORDER

O.A.No. 147/1992

Date: 12-3-1993.

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

Heard Mr. K.K. Shah, learned advocate for the  
applicant and Mr. R.M. Vin, learned advocate for the  
respondents.

2. This application under section 19 of the  
Administrative Tribunals Act, 1985, is filed by the  
applicant, a railway servant, challenging the order  
Annexure A & A-1 on the ground that it is arbitrary  
and that the same is made at the instance of rival  
union namely, Western Railway Mazdoor Sangh. The  
applicant is sought to be transferred from Gandhigram,  
Bhavnagar Division to Ajmer and he is challenging this  
order on the grounds mentioned in para 5 of the  
application. The respondents have filed detailed

14  
reply controverting the averments made by the applicant in his application.

3. Today at the time of hearing of this application, the learned advocate Mr. R.M. Vin for the respondents, under the instructions of the Railway Officer present in the Court, submits that the respondents are ready to accommodate the applicant at Gondal. He submitted that the applicant had made such an application to accommodate him at Gondal which is under acute consideration and most probably the applicant would be accommodated at Gondal as per his application and the respondents do not propose to implement the impugned order Annexure A & A-1.

4. The learned advocate for the applicant submitted that the department has started the DAR proceedings against the applicant and during the pendency of DAR proceedings, the applicant should not be transferred. The learned advocate Mr. R.M. Vin for the respondents submitted that this is not the ground on which the transfer can be attacked. The learned advocate for the applicant submitted that the applicant may make a representation to the respondents according to the railway circular not to transfer him during the pendency of DAR proceedings against him. It is for the applicant to make such representation as he ~~xxxx~~ thinks fit on the above point. At present, the impugned

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order Annexure A & A-1 are quashed as the respondents do not want to implement the same as they want to transfer the applicant to Gondal. <sup>at his request</sup> Hence ~~we~~ I pass the following order.

ORDER

In view of the statement made by the learned advocate for the respondents that the applicant would be transferred to Gondal and the respondents therefore do not propose to implement the present transfer orders Annexure A & A-1 ~~to~~ transferring him to Ajmer, <sup>the same are quashed</sup> The application is disposed of accordingly. No order as to costs.

*R.C. Bhatt*  
(R.C. Bhatt)  
Member (J)

vtc.