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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

Original Application No. 107 of 1988.

Date of decision ... April 29, 1988.

Miss Snehalata Tripathy, aged about 34 years,  
daughter of late Parsuram Tripathy, Midwife (LR),  
S.E.Railway Hq. Hospital, Khurda Road, S.E.Railway,  
P.O. Jatni, Dist- Puri. ... Applicant.

Versus

1. Union of India, represented through
1. General Manager, S.E.Railway, At- Garden Reach,  
Calcutta, West Bengal.
2. Chief Medical Officer, S.E.Railway, Garden Reach,  
Calcutta- West Bengal.
3. Divisional Railway Manager, S.E.Railway, Khurda Road,  
Dist- Puri.
4. Senior Divisional Railway Personnel Officer,  
S.E.Railway, Khurda Road, Dist- Puri.
5. Medical Superintendent, S.E.Railway Hq-Hospital,  
Khurda Road, Dist- Puri.
6. Divisional Medical Officer( Indoor), S.E.Railway Hq.Hospital  
Khurda Road, Dist- Puri.

... Respondents.

M/s J.K.Misra & N.C.Misra,  
Advocates. ... For Applicant.

Mr. R.C.Rath, Standing Counsel,  
(Railways) ... For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P.ACHARYA, MEMBER ( JUDICIAL)

1. Whether reporters of local papers may be permitted  
to see the judgment ? Yes .
2. To be referred to the reporters or not ? No
3. Whether Their Lordships wish to see the fair copy  
of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J). In this application under section 19 of the Administrative Tribunals Act, 1985, the order of transfer passed by the competent authority transferring the petitioner from Khurda Road to Retang is under challenge.

2. Shortly stated, the case of the petitioner is that she is a midwife attached to Khurda Road Headquarters Railway Hospital. She has been transferred to Retang in the said capacity. Being aggrieved by this order of transfer, the petitioner has filed this application with the aforesaid prayer.

3. No counter has been filed in this case as we did not wait for filing of the counter because of the fact that the facts are not disputed and simple in nature.

4. We have heard Mr. J.K.Misra, learned counsel for the petitioner and Mr. R.C.Rath, learned Standing Counsel for the Railway Administration at some length. The grievance of the petitioner was that there being no sanctioned post at Retang, transfer of the petitioner would create a lot of difficulties regarding payment of her monthly emolument. On this point the petitioner need not bother. Once the petitioner carries out the order of transfer and joins the post, ~~of posting~~, it is the bounden duty of the employer to see that the employee is paid her monthly emoluments and we hope and trust that the Railway Administration would take all steps to see that the emoluments are paid within time. The next contention of Mr. Misra was that there is no facility for any lady to deliver any child and therefore

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the services of the petitioner may prove itself to be useless at Retang. It is no concern of the petitioner and we are not concerned with this aspect. We are not in a position to know as to whether there is really work for the petitioner at Retang or not. The fact that she has been transferred to Retang has to be carried out and we would direct that the petitioner should carry out the transfer order. Mr. Misra then contended that nobody has worked as staff nurse or midwife at Retang and this is for the first time the petitioner has been transferred to Retang. This is no ground to strike down the order of transfer. Hence, we find no merit in the application which stands dismissed leaving the parties to bear their own costs. The stay order granted by this Bench stands automatically vacated.

*Passing up*  
29.4.88  
..... Member (Judicial) .....

B.R. PATEL, VICE CHAIRMAN, *I agree.*

*Rashid*  
29.4.88  
..... Vice Chairman .....

Central Administrative Tribunal,  
Cuttack Bench.  
April 29, 1988/Roy, SPA.