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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No. 37 OF 1994

Date of decision: April 29, 1994.

Bhagirathi Paikray ... Applicant  
Versus  
Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *Ans*
2. Whether it be circulated to all the Benches of Central Administrative Tribunals or not? *Ans*

(K. P. ACHARYA)  
CENTRAL ADMINISTRATIVE

*29-4-94*  
(K. P. ACHARYA)  
VICE CHAIRMAN

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ORIGINAL APPLICATION NO : 37 OF 1994

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Versus

Union of India and others .... Respondents

For the Applicant ... M/s. U.K. Nanda, C.R. Behera,  
Advocates.

For the Respondents ... Mr. D.N. Mishra, Standing  
Counsel (Railway).

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CORAM :

THE HONOURABLE MR. K. P. ACHARYA, VICE CHAIRMAN

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JUDGMENT

K.P. ACHARYA, V.C. In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order passed by the competent authority transferring him from Solari to Balugaon as leave Reserved Gatekeeper.

2. Shortly stated, the case of the petitioner is that while he was functioning as a gatekeeper in Solari Railway gate vide Annexure-2 dated 7th February, 1993, the competent authority has transferred the petitioner from Solari gate to Balugaon gate which is sought to be quashed.

3. I have heard Mr. U.K. Nanda learned counsel appearing for the petitioner and Mr. D.N. Mishra

learned Standing counsel for the Railway Administration. Relying on the judgment of the Hon'ble Supreme Court reported in AIR 1991 SC 532 (Ms. Shilpi Bose and others vs. State of Bihar and others), Mr. D.N. Mishra strenuously contended before me that there being no violation of statutory mandatory rules and ~~no malaefide~~ having been pleaded, the application should be inlimine dismissed. The ~~distance~~ between Solari to Balugaon is very ~~meagre~~. That apart, there is ~~substantial~~ force in the contention of Mr. Mishra that there being no violation of statutory mandatory rules and there being no ~~allegation~~ of mala fide, the order of transfer should not be quashed. Mr. Nanda learned counsel appearing for the petitioner submitted that in Annexure-3, the competent authority has stated that since the petitioner was very irregular in discharging his duties, he has been transferred to Balugaon which amounts to punishment. An enquiry should have been conducted and thereafter, the competent authority could have transferred the petitioner. I am unable to accept the submission of Mr. Nanda. Transfer is not a punishment. Hence I find no merit in this case which stands dismissed. No costs.

  
29/4/94

VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench/K. Mohanty/April 29, 94.