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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? *NO*
2. Whether it be circulated to all the Benches of Central Administrative Tribunals or not? *NO*

(K. P. ACHARYA)  
VICE CHAIRMAN

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

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

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Date of decision: April 29, 1994

Bhagirathi Paikray	....	Applicant
	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).

...

CORAM:

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

...

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

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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 mala fide having been pleaded, the application should be in limine 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.