

5

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH: CUTTACK:

Original Application No. 344 of 1994

Cuttack this the 30th day of November, 1994

Bana Behari Swain

Applicant (S)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the No. Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

30 NOV 94

5

6

CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 344 of 1994

Cuttack this the 30th day of November, 1994

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

...
Bana Behari Swain, aged about 40 years
Son of Jagannath Swain, at present
serving as Station Master,
At: Patpur Railway Station, Bada Bandha
PO: Chatma, Via: Kuraja, Dist: Jagatsinghpur

Applicant

By the Advocate: M/s. R. P. Mohapatra,
K. B. Panda
S. K. Jethy

Versus

1. Union of India, represented by its
Secretary, Ministry of Railways
New Delhi
2. Divisional Railway Manager
South Eastern Railway
Khurda Road Division, PO: Jatni
Dist: Khurda
3. Additional Divisional Railway Manager
South Eastern Railway, Khurda Road
Division, PO: Jatni, Dist: Khurda
4. Senior Divisional Personnel Officer
South Eastern Railway
Khurda Road Division, PO: Jatni
Dist: Khurda
5. Chief Divisional Traffic Inspector
South Eastern Railway
At/PO/Dist: Cuttack

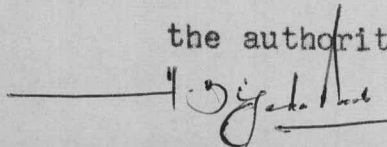
Respondent/s

By the Advocate: Shri D. N. Mishra,
Standing Counsel (Rly. Administration)

...

O R D E R

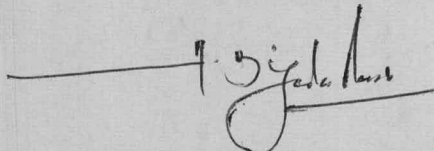
MR. H. RAJENDRA PRASAD, MEMBER (ADMN): Applicant Shri Bana Behari Swain has been working as Station Master, Badabandha, in the S.E. Railway since 26th November, 1990. He was posted out from Badabandha to Radhakishorepur Railway Station in the same capacity by the Divisional Railway Manager, Khurda Road, on 22nd April, 1994 (Annexure-1) whereupon he represented to the authorities to allow him to continue at Badabandha



for two more months owing to some domestic problems (copy not annexed). The D.R.M. considered the request and permitted his retention for one month at Badabandha through an order issued on 6.6.1994 (Annexure-4). However, on 13.6.1994, Shri Swain filed this application and the transfer was stayed by this Tribunal. The respondents filed their counter only on 15.9.1994 although they had been asked to do so by 20.7.1994 initially, and given further extensions of time for the same purpose on 22.7., 11.8., and 18.8.1994.

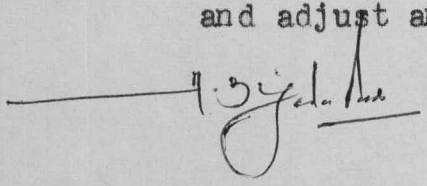
2. The petitioner alleges malafides on the part of the authority who ordered the postings, and also on the part of some other officers along the line. He asserts that his posting was motivated by a desire on their part 'to placate certain vested interests'. He makes much of the fact that, of the 5 postings ordered vide Annexure-1, four were by way^{of} accommodating the requests of the officials concerned whereas only his posting was in administrative interests, and suggests thereby that this was somehow a discriminatory action and also a special favour shown to others.

3. The respondents explain in their counter-affidavit that this is just a case of routine transfer, that the petitioner had been posted out only to fill an existing vacancy at Radhakishorepur, that the bunching together of five postings ordered in Annexure-1 was merely a coincidence and the acceptance of the requests of four others included therein has no connection or link to the



petitioner's own posting, and that the applicant's request for a short deferment of his posting from Badabandha on account of some domestic difficulties had been duly considered and a month's postponement had been agreed to. They say there is no merit in the case which deserves to be dismissed.

4. All facts of the case have been carefully considered. It is seen that Shri Swain has been holding the appointment of Station Master, Badabandha, since November, 1990. There is nothing inherently objectionable in posting an official out from an appointment after he has completed a few years in the job. There are instructions from the Railway Board as to how this should be done. The circumstances and conditions governing such postings have been spelt out and the Respondents have produced just one such circular containing the guidelines to be followed in such matters. The petitioner alleges malafides without being able to elaborate or establish them, hints at some vague 'vested interests' which were sought to be accommodated or 'placated' without specifying whose and what vested interests these are. As far as the inclusion of 4 'request' transfers and one routine transfer in the same order, one does not see how this can be held as objectionable, inasmuch as none of the other four officials, even if posted in their stations of choice and ^{at} request, has been accommodated in place of the petitioner. It cannot therefore be held that the petitioner has been calculatedly moved-out to make way and adjust any of the other four. What with the delay in



the filing of the counter-affidavit by respondents and the subsequent adjournment of hearing sought for by the learned counsels and accepted by this Tribunal, the applicant has in fact stayed longer than the two-months deferment which he had initially sought from the respondents.

5. Under the circumstances, the quashing of the impugned order, as prayed for by the applicant, is not warranted. There is no need or justification to interfere in this matter. The said order is upheld. It shall now be complied with by Shri Bana Behari Swain.

The application is disallowed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

30 Nov 94

B.K.Sahoo//