

CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 726 OF 1995

Cuttack, this the 20th day of April, 2000

Ramachandra Hansda ... Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not?

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

(G.NARASIMHAM)

MEMBER (JUDICIAL)

Somnath (SOMNATH SOM)
20.4.2000
Vice Chairman

VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

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ORIGINAL APPLICATION NO. 726 OF 1995
Cuttack, this the 20th day of April, 2000

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Ramachandra Hansda, aged about 540 years, son of late
Kista Hansda, resident of village Baghajharan,
PO-Paramananda, Via-Chitrada, P.S-Muruda,
District-Mayurbhanj, at present working as Lineman
(Mate), Laxmannath Road, PO-Laxmannath, Dist.Balasore....
.....
Applicant

Advocates for applicant - M/s J.R.Dash
R.C.Mishra

1. Union of India, represented through the General Manager, S.E.Railway, Garden Reach, Calcutta.
2. Divisional Railway Manager S.E.Railway, Kharagpur (West Bengal).
3. Divisional Engineer, S.E.Railway, Kharagpur, West Bengal.
4. Assistant Engineer, S.E.Railway, Kharagpur, West Bengal.
5. Permanent Way Inspector, South Eastern Railway, Jaleswar.
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Respondents

Advocate for respondents -Mr.D.N.Misra
S.C.(Rly).

O R D E R
(ORAL)

SOMNATH SOM, VICE-CHAIRMAN

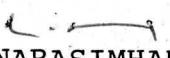
In this Application under Section 19 of
Administrative Tribunals Act, 1985, the petitioner has
prayed for quashing his order of transfer dated 6.3.1995
(Annexure-1) from the office of P.W.I, Jaleswar to P.W.I,
Hijili. There is also a prayer for a direction to the
respondents to pay all his arrear dues.

2. The respondents have filed counter opposing the prayers of the applicant. For the purpose of considering the petition it is not necessary to go into too many facts of this case. It is only necessary to note that the applicant originally joined the Railways in and March 1970 as Gangman on 14.3.1970 at Rupsa, on 9.7.1976 after six years at Rupsa he was transferred to Amarda Road where he remained till October 1985. In October 1985 he was transferred from Amarda Road to Jaleswar in the promotional post of Keyman after 9 years and three months at Amarda Road. In July 1987 a promotional post of Mate fell vacant and he was promoted to the post of Mate and posted as such. But as there was need of his services at Jaleswar, even though he was posted at Hijili he was made to work at Jaleswar and he thus continued at Jaleswar. Later on there was no need of his services at Jaleswar and accordingly the post and the applicant were transferred to Hijili. The impugned order at Annexure-1 is not the order of transfer but the direction to the applicant to get himself relieved in pursuance of the order of transfer.

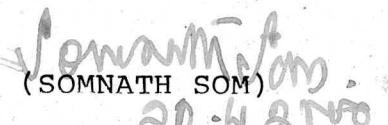
3. We have heard Shri J.R.Dash, the learned counsel for the petitioner and Shri D.N.Mishra, the learned Standing Counsel (Railways) for the respondents and have also perused the records.

4. From the pleadings of the parties it appears that the applicant is holding a transferable job and a Government servant holding a transferable job has no vested right to continue in a particular post. The applicant's averment in the petition that he has been transferred frequently is denied by the respondents who

have indicated the applicant's period of stay in different stations which is also quite long, as noted by us earlier. The respondents have also denied the averment of the applicant that his successor has managed to get him transferred by putting pressure on administration through the Union. This denial of the respondents has not been controverted by the applicant by filing a rejoinder. The applicant has mentioned that he has personal difficulties for going to Hijili. We note from the averment of the respondents that on the applicant's promotion to the post of Mate in 1987 he was posted to Hijili. But because of exigency of work he was made to work at Jaleswar, his old station. Now ^{that} in the impugned order at Annexure-1 he has been posted on promotion to Hijili, he cannot claim that he should continue at Jaleswar. He has to go along with his post to Hijili. In view of the above, we hold that the Application is without any merit and the same is rejected but without any order as to costs.


(G. NARASIMHAM)

MEMBER (JUDICIAL)


(SOMNATH SOM)

VICE-CHAIRMAN

AN/PS