

CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH,  
JODHPUR.

Date of Order: 12.12.95.

O.A.No.299/95.

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Chandra Pal Singh

...Applicant.

### versus

Union of India & Ors.

... Respondents.

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Mr. R.R.Vyas, Counsel for the applicant.

Mr. V.D.Vyas, Counsel for the respondents.

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Hon'ble Mr. N.K.Verma, Administrative Member,

BY THE COURT:

Heard Shri R.R.Vyas, counsel for the applicant who wanted a short adjournment to produce the original letter purported to have been written by the applicant to the competent authority, wherein that authority on the letter itself had agreed to his transfer. Shri Vyas showed me a photo copy of the letter, which is an application from the applicant wherein it was indicated under a rubber stamp that there is no objection to his transfer from Suratgarh to Jodhpur Construction Division.

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2. Shri V.D.Vyas learned counsel for the respondents however, brought to my notice that the applicant had at no point of time was allowed to have his transfer to the unit of the Dy. Chief Engineer (Construction-II). He referred to the Annexure R/1, wherein the Deputy Chief Engineer, Construction-II, Jodhpur had written a letter to I.O.W., Northern Railway, Suratgarh, informing that the applicant is being returned to the unit where he belongs as there is no requirement at present in this unit. The applicant's transfer involves the transfer of a Class-IV staff from one Railway Division to another Division. Since the applicant belongs to the Construction Division, such transfer application has to be approved by the Headquarters Office at Kashmiri Gate, Delhi. As per Annexure R/2, the Chief Administrative Officer has already pointed out the irregularity of the transfer of the applicant, with the direction that the applicant must be sent to his original unit. Shri Vyas, further brought to my notice that the applicant had been relieved from his parent unit by the Permanent Way Inspector without any transfer order passed by a competent authority. Permanent Way Inspector was not authorised to do that and the transfer of the applicant cannot be regularised on the strength of such a relieving order.

3. Shri V.D.Vyas also took the preliminary objection that the applicant has come to the Tribunal without exhausting the remedies available to him in the department

itself. He has got relieved from the Suratgarh on 6.5.95 and he has not been working in Construction Unit as he was not allowed to join the unit of the Dy. Chief Engineer, Construction-II, Jodhpur. He should not be allowed now the protection of this Court in getting his transfer regularised.

4. Shri R.R.Vyas, learned counsel for the applicant stated that the applicant had been allowed to join for a couple of days and thereafter, the respondents stopped from taking any further work from him. He prayed for time for the production of the further documentary proof to support the contentions made by him.

5. After hearing both the parties, I am totally convinced that the applicant has no case at all. He could not claim to have been transferred to a unit in other division on the basis of unauthorised relieving order and thereafter, seek the protection of this Tribunal. Unilateral Orders passed by a lower functionary without any authority has to be deprecated strongly. The Railway authorities must look into this and take a proper corrective action so that such unsupported claims are not allowed to be agitated before this Tribunal. The application at this stage is pre-mature as has rightly been prayed by the learned counsel for the respondents and is liable to be dismissed on this ground itself. Besides, the application does not have any merit also and is accordingly dismissed. No costs.

*N. K. Verma*  
( N.K.VERMA )  
Member (A.)

V.S.