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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR
JODHPUR

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DATE OF ORDER : 06.01.2000

O.A.NO. 222/98

Lokesh Kumar Panery S/o Shri Onkar Lal Panery, aged about 39 years,
R/o Railway Quarter No. 406 G Matagarh Abu Road at present employed
on the post of Senior Clerk in the office of Diesel Foreman Abu Road
Western Railway.

.....APPLICANT.

VERSUS

1. Union of India through General Manager, Western Railway,
Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer Division,
Ajmer.
3. Senior Divisional Mechanical Engineer (Diesel), Western Railway,
Abu Road.
4. Shri Nand Kishore Chandel, Senior Clerk, Under Diesel Foreman,
Diesel Shed, Abu Road, Western Railway.



.....Respondents.

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Mr.J.K.Kaushik, Counsel for the applicant.

Mr. R.K.Soni, Counsel for the respondents No. 1 to 3.

None present for respondent No. 4.

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CORAM :

HON'BLE MR.A.K.MISRA , JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH,ADMINISTRATIVE MEMBER

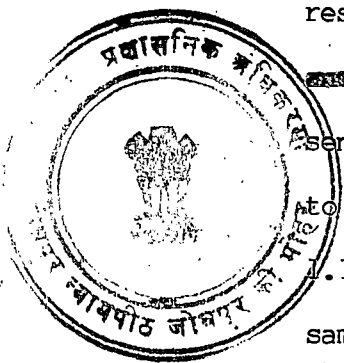
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Signature

PER MR.A.K.MISRA :

The applicant had filed this O.A. with the prayer that impugned transfer order Annex.A/1 dated 25.8.1998 so far as it relates to Shri Nand Kishore Chandel (respondent No. 4), be declared illegal and quashed. The applicant has further prayed that the respondents be directed to transfer the applicant to Udaipur/Ranapratapsagar as per his turn in accordance with the name noting policy.

2. Notice of the O.A. was given to the respondents who have filed the reply in which it is stated by the respondents that the applicant could not qualify the selection of Senior Clerk, hence, he continued amongst the seniority list of Clerks Grade Rs. 3050-4590 whereas, the respondent No. 4 being a Senior Clerk, in the Grade of Rs. 4500-7000 his seniority is maintained amongst the Senior Clerks, in their seniority list. Thus, the applicant and the respondent No. 4 belong to different seniority units. The policy of the Board dated 1.10.1971 provides that the transfer may be considered within the same seniority unit, therefore, name noting policy does not help the applicant as per his contention. It is further stated that in such request transfers first preference is given to the regular employees and if regular employee is not in the que then such request of an ad hoc employee can be considered. Respondent No. 4 was at the relevant time was in the que as regular employee at his own request in his own cadre. Hence, his case was considered and he was transferred as per his request. No discriminatory treatment has been accorded to the applicant as alleged by him. In view of the instructions of the Headquarter and the guideline on the subject, the applicant is



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entitled to no relief. It is also stated by the respondents that he was also informed of this aspect of the case vide respondents communication dated 16.9.1998, Annex.R/1.

3. We have heard the learned counsel for the parties and gone through the case file.

4. It is not disputed by the applicant that the respondent No. 4 is a regularly promoted Senior Clerk whereas the present applicant is only ad hoc Senior Clerk. The name of the applicant does not figure in the seniority list as per the claim of the respondents. Therefore, in our opinion, the applicant cannot claim to be transferred to his choice place on the basis of name noting policy. For such transfers the request of the regular employee is to be considered first which has been done in the case and no discriminatory treatment has been shown to have been accorded to the applicant vis-a-vis the respondent No.4. In our view, in view of the Railway policy on the subject, the applicant is not entitled to any relief in the instant O.A.

5. The O.A. in our opinion, is devoid of any merits and deserves to be dismissed, therefore, it is hereby dismissed with no orders as to cost.

Gopal Singh

(GOPAL SINGH)
Adm.Member

A.K. Misra

(A.K.MISRA)
Judl.Member

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Lib-13-1-200

Received

Deputed

(J.N. Kharb) 13/1/200

R. K. Soni

Ru 13/1/00
(R.K. Soni)
Ato

Part II and III destroyed
in my presence on 25-9-2006
under the supervision of
section officer (J) as per
order dated 23-8-2006

Section officer (R.K. Soni)