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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

.....

Date of order : 25.8.99

1. O.A.No. 229/1998

1. Tulsa Ram S/o Shri Rachha Ram aged about 48 years, Resident of Vill. and PO Kawas Distt. Barmer, at present employed on the post of Pointsman 'A' in the office of Station Superintendent, Kawas, Northern Railway.
2. Harchand S/o Shri Keshra aged about 54 years, R/o Vill. and PO Kawas, Distt. Barmer at present employed on the post of Pointsman 'A' in the office of Station Superintendent, Kawas, Northern Railway.
3. Keshu S/o Shri Panna, aged about 40 years, R/o Vill. and PO Kawas, Distt. Barmer at present employed on the post of Pointsman 'A' in the office of Station Superintendent, Kawas, Northern Railway.

2. O.A.No. 249/1998

Uda S/o Shri Harda Ramji, aged about 42 years, R/o Vill and Post Koslu Distt. Barmer, at present employed on the post of Senior Pointsman in the office of Station Superintendent, Jajiwal Station, Northern Railway.

.....APPLICANTS

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.
3. Divisional Operating Manager, Northern Railway, Jodhpur Division, Jodhpur.
4. Shri Sunil Panwar, Asstt. Station Master, Kawas Railway Station, Northern Railway.

.....RESPONDENTS IN BOTH OAs

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

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

Mr.S.S.Vyas, Counsel for the respondents.

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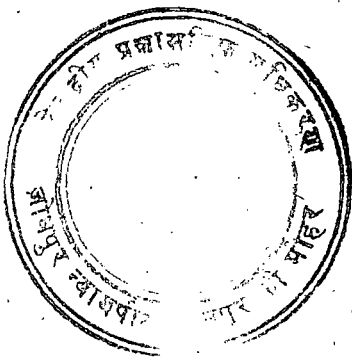
2. The applicants have challenged the impugned transfer order dated 1.9.98 (Annex.A/1) by which they were transferred from Kawas to Jajiwal, Banar and Asaranada, situated within the same Divisional control.

A circular library stamp with the text "प्रकाशिन कृतिका" (Prakashan Kṛitika) at the top, "पाठशाला" (Paṭhaśālā) on the right, "पटना" (Patna) at the bottom, and "बिहार" (Bihar) on the left. The center of the stamp is blank.

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5. I have heard the learned counsels for the parties and gone through the case file.

6. In the O.As there are no allegations of malafides against the respondents. There are also no facts relating to colourable exercise of power. The scope of interference in such transfer orders is very much limited. If the transfer is not in exercise of colourable exercise of power or has not been made in mala fide way, the same cannot be interfered with. Institution of cross cases by Uda Ram and Sunil Panwar, ASM, is in my opinion a reasonable ground to transfer the persons involved in such cases. It is not necessary that in respect of each case of indiscipline or disobedience, a departmental inquiry is required to be instituted to straighten the administration. The transfer can be resorted to to maintain discipline and peace, therefore, a transfer made in such circumstances, cannot be termed as punitive, as claimed by the applicant.



7. The applicants have challenged the transfer on the ground of mid-term transfer but this ground has come to an end because a new educational session has come in force from July this year. The applicants have joined their duties in pursuance of the transfer order at the new station. No case of transfer on mala fide ground or colourable exercise of power has been made out by the applicant, therefore, the same cannot be interfered with.

8. No doubt in the Police Report instituted by Uda Ram, Poona Ram has also been made an accused but he has not been transferred in spite of being involved in the incident, as alleged by the complainant Uda Ram. There were certain allegations against Poona Ram in the departmental complaints.

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made by the applicants. Why he has been spared from being transferred is not clear from the record. However, the transfer of the applicant cannot be termed as bad simply because Poona Ram was not transferred. In my opinion, it was an administrative job to consider Poona Ram's transfer or his retention at that station.

9. In my opinion, the applicants have no case for being granted the relief claimed by them. The Original Applications deserve to be dismissed and are hereby dismissed. The parties are left to bear their own costs.

31/10/99  
(A.K.MISRA)  
Judicial Member

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Rec'd  
S. R. 2/9/99

Re an  
H. C. 2/9/99 (S. R. 2/9/99)

Part II and III destroyed  
in my presence on 14-7-06  
under the supervision of  
section officer (1) as per  
order dated 16-1-06

Section officer (Record)