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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 255/1998

Date of Order : 06.11.1998

K.J. Iyer, S/o Shri M. Krishanan, aged about 31 years, resident of 5-B, Shiv Road, Ratanada, Jodhpur, at present employed on the post of Sr. TTE under Station Supdt. Jodhpur, Northern Railway.

..Applicant.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Commercial Manager, Northern Railway, Jodhpur Division, Jodhpur.

..Respondents.

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

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

CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member.

BY THE COURT :

Applicant K.J. Iyer, has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 23.9.1998 at Annexure A/1. In terms of the impugned order dated 23.9.1998 (Annexure A/1), the applicant has been transferred from Jodhpur division of Northern Railway to Bikaner division. The impugned order dated 23.9.1998 has mainly been challenged by the applicant on the ground that the same has been issued by an authority which is not competent to issue transfer orders in respect of the applicant and secondly that in terms of Railway Board's circular dated 20.3.1976, non-gazetted Railway staff against whom a disciplinary case is pending or is about to start should not normally be transferred.

2. Notices were issued to the respondents and they have filed their reply.

3. I have heard the learned counsel for the parties and perused the records of the case.

4. The learned counsel for the respondents has produced before me the relevant official file dealing with the transfer of the applicant. It is

Gopal Singh

contd.

seen from the file that the Northern Railway Headquarters' letter dated 15.9.1998, under which the applicant has been transferred from Jodhpur division to the Bikaner division alongwith many other employees, was issued under the orders of Chief Commercial Manager of Northern Railway. As such the contention of the applicant that the transfer was ordered by an incompetent authority is not tenable. Under the respondents letter dated 15.9.1998, a large number of employees have been transferred from one place to another and the transfers have been made on the basis of administrative exigencies. Moreover, at this juncture, no disciplinary case is pending against the applicant and as such he cannot take shelter under the Railway Board's letter dated 20.3.1976. Further, the Railway Board's letter dated 20.3.1976 only stipulate that the non-gazetted Railway staff against whom a disciplinary case is pending or is about to start, should not normally be transferred (emphasis supplied). In administrative exigencies, transfers can be ordered even in a case where disciplinary case is pending or contemplated against a Railway servant.

5. In the light of the above discussion, I do not find any merit in this application and the same deserves to be dismissed.

6. The OA is accordingly dismissed with no order as to costs.

Gopal Singh
(GOPAL SINGH)
ADM. MEMBER

sm

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15.9.1998