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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 4.8.1998

O.A. No. 188/1998

Shri Panne Singh and 25 others

...

Applicants.

v e r s u s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur Division, Jodhpur.
3. The Divisional Mechanical Engineer (Carriage & Wagon), Northern Railway, Jodhpur.
4. Sr. Section Engineer (C & W), Northern Railway, Bhagat Ki Kothi, Jodhpur.
5. Shri Megh Singh Kann, Divisional Mechanical Engineer (C & W), Northern Railway, Jodhpur.

... Respondents.

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

CORAM:

Honourable Mr. A.K. Misra, Judicial Member.

Honourable Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble A.K. Misra)

Applicants, S/Shri Panne Singh, Mangi Lal, Deepak Saxena, Jai Prakash, Mahendra Singh, Bhim Singh, Shaitan Singh, Ishwar Lal, Jugal Kishore, Pavitra Mandal, Jaswant Singh, Tara Chand, Bansi Lal, Bal Kishan, Sohan Kishan, Sidhraj, Gouri Shanker, Sukh Lal, Chhotu, Govind Ram, Smt. Bhawani Devi, Smt. Jamila Begum, Smt. Rukmini Devi, Smt. Kesar, Smt. Muthri and Shri Anil Kumar, have filed this application with the prayer that the impugned transfer order dated 31.7.1998 (Annexure A/1) be quashed by which all the employees of Carriage & Wagon Depot, Bhagat Ki Kothi (for short, C & W Depot, BGKT), except the persons mentioned at Annexure A/1 have been transferred to the Carriage & Wagon Depot at Jodhpur.

2. The learned counsel for the applicant submits that there is no order declaring the staff surplus, the authority ordering the transfer of employees is not competent to transfer the applicants, there is no order indicating as to on which posts each individual has been transferred and

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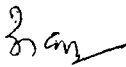
there is no order as to where from and on what posts the applicants would draw their pay. No scheme has been drawn for absorbing the surplus staff of C&W Depot, BGKT. Therefore, the order Annexure A/1 deserves to be quashed.

3. We have considered the arguments and gone through the application. In Annexure A/1, it is very specifically mentioned that the C&W Depot, BGKT has been declared as closed by the order of the Divisional Mechanical Engineer ((C & W))(, Northern Railway, Jodhpur. This indicates that the persons transferred by Annexure A/1 are no more required at C&W Depot, BGKT. For better utilisation of manpower, the administration has transferred the staff strength ~~from~~ that Unit to C&W Depot at Jodhpur. In our opinion, it is for the administration to see as to at which place the staff can be best utilised.

4. The C&W Depot, BGKT, has been declared as closed by the Divisional Mechanical Engineer (C&W), Northern Railway, Jodhpur, and therefore, no specific order for declaring the staff as surplus is required when enbloc adjustment of the staff has been made at the new place of work. In our opinion, due to closure of C&W Depot, BGKT, the staff cannot be put to work there, therefore, the applicants are left with one option, i.e., to report to the Chief Administrative Officer of the Carriage & Wagon Depot, Jodhpur, for duty. The applicants by challenging the transfer order Annexure A/1 cannot avoid joining duty at the transferred place and if they do so, it is at their own risk and costs. In view of this, we do not see any reason to interfere with the order Annexure A/1 dated 31.7.1998.

5. In our opinion, the O.A. is devoid of force and is, therefore, dismissed in limine.


(GOPAL SINGH)
Adm. Member


(A.K. MISRA)
Judl. Member

cvr.

copy of order OA & MA
along with OA & MA Petition,
Annexure sent to R/L to R/S
by Regd AD vide No. 30970313
clt 10.8.98
m
10/8/98

R/Copy
on 6/10/98
ACF

Part II and III destroyed
in my presence on 29.3.2006
under the supervision of
section officer (I) as per
order dated 25.2.2006

Section officer (Record)

A.D. R/L to S
attached
in third
set
m
24/8/98