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Date of order : 5.1.2000

O.A.NO. 385/99

1. Rajiv Agrawal, aged 37 years, S/o Kanti Mohan Agrawal, Dy.Chief Controller, Northern Railway, Divisional Office, Bikaner R/o 116-C, Railway Quarters, Civil Line, Bikaner.
2. Balwant Singh aged 40 years, S/o Shri Daya Ram Chief Controller, Northern Railway, Divisional Office,, Bikaner R/o A/22, Gandhi Colony, Pawanpuri, Bikaner
3. Leeladhar Pandey, aged 53 years, S/o Kanta Prasad Pandey, Chief Controller, Northern Railway, Divisional Office, Bikaner, R/o Bulaki-Ki-Bari, Subhashpura, Bikaner.
4. Sahdev Prasad aged 43 years S/o Shri Nanku Ram, Chief Controller, Northern Railway, Divisional Office, Bikaner, R/o T-88/D, Railway Colony, Near Guard Running Room, Bikaner.
5. Rajendra Prasad, aged 48 years, S/o Shri Ram Nihor, Chief Controller, Northern Railway, Divisional Office, Bikaner R/o III/D Railway Colony, Civil Line, Bikaner.
6. A.P.Pandey, aged 49 years, S/o Shri B.B.Pandey, Dy.Chief Controller, Northern Railway, Divisional Office, Bikaner R/o 261/B, New Railway Colony, Lalgah, Bikaner.
7. V.K.Goel, aged 39 years, S/o Shri R.K.Goel, Dy.Chief Controller, Northern Railway, Hanumangarh Junction, R/o 96 Rly. Medical Colony, Hanumangarh Jn.

.....Applicants.

VERSUS

1. Union of India through :  
General Manager, Northern Railway, H.Q.Office, Baroda House, New Delhi.
2. General Manager (P), Northern Railway, HQ Office, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Bikaner Division, Bikaner.
4. Divisional Railway Manager, Northern Railway, Lucknow Division, Luckow.
5. Divisional Railway Manager, Northern Railway, Allahabad Division, Allahabad.

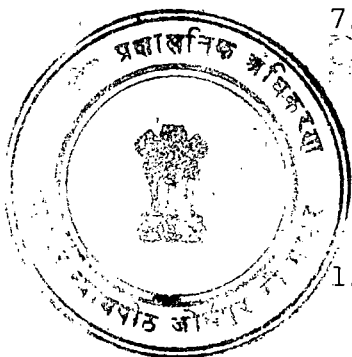
.....Respondents.

CORAM :

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

HON'BLE MR.GOPAL SINGH,ADMINISTRATIVE MEMBER

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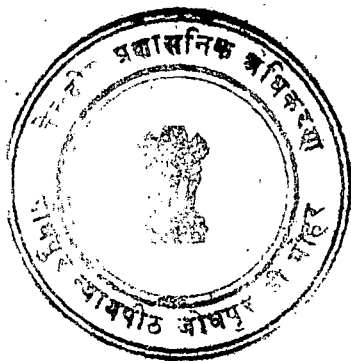
Mr.Y.K.Sharma, Counsel for the applicant.

PER MR.A.K.MISRA :

By this petition, the applicant has prayed for restoration of 7 posts of grade 2375-3500 RPS/ 7450 -11500 RP to Bikaner Division immediately with consequential benefits.

2. It is alleged in the petition that the aforesaid promotional posts were transferred to various Divisions whereas earlier these posts were in Bikaner Division. Consequent thereto, the promotional chances of the applicants have been adversely affected. The reason of transfer of these posts was reduction of traffic but now Bikaner has enough traffic for adjustment of these posts. Applicants representation for restoring the aforesaid posts by transfer, to the authorities, is pending since more than one year, therefore, the O.A. was preferred by the applicants. It was argued by the learned counsel for the applicants that transfer of the aforesaid promotional posts was unjustified and were transferred to adjust persons in respective Divisions on their promotion. It was further argued that because of reduction of promotional posts at Divisional Headquarter Bikaner, the applicants shall have to move out in case they are promoted and thereby they would be adversely affected due to unjust transfer of these promotional posts to other Divisions in the past. Hence, this is a fit case where notices are to be issued to the respondents so that they may explain their stand.

3. We have considered the arguments. In our opinion, it is the administration who is the best judge as to at which place how many posts in question are required to be operational. Transfer of posts is always undertaken on the basis of assessment of work-load and if after assessing the work load of the posts in question these posts were allotted to various Divisions by the respondents,



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their action cannot be scrutinised by us on judicial side. From the facts as pleaded, it appears that applicants are trying to get these posts transferred to Divisional Headquarter Bikaner so that in case they are promoted they may be adjusted at their present place of posting but we do not see this could be a ground for accepting the prayer of the applicants regarding restoration of the remaining seven posts of Chief Controller at the Divisional Headquarter. We may observe that Railway is a big organisation where the work load on various posts relating to operation is assessed <sup>from</sup> time to time and, therefore, the administrative arrangements are not liable to be disturbed. In view of this, we would not like to disturb the present arrangement by imposing our conclusion in this respect. The O.A. in our opinion, is devoid of any merits and deserves to be dismissed. The O.A. is hereby dismissed in limine.



*Gopal Singh*  
(GOPAL SINGH)  
Adm. Member

*A.K. Misra*  
(A.K. MISRA)  
Judl. Member

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mehta