

I/14
H/S

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Original Application No. 117/2003
This the 8th day of April, 2005.

CORAM :

HON'BLE MR. G.R. PATWARDHAN, ADMINISTRATIVE MEMBER

.....
Smt. Renu Devpura W/o Shri Ashok Devpura
aged 37 years, resident of 227, Sunderwas (North)

Udaipur 313001, Official Address : Sr. Section Officer,
Zonal Training Centre, Udaipur.

.....Applicant.

(By Mr. R.S.Saluja and Mr. P.C.Verma, Advocates for applicant)

Versus

1. Union of India through the General Manager
Western Railway, Church Gate, Mumbai.
2. The F.A. & C.A.O. (Admn.),
Western Railway, 7th Floor Station Building,
C.C.G., Mumbai.
3. Sr. D.F.M. (Senior Divisional Finance Manager)
N.W. Railway, Ajmer.
4. The Principal Zonal Training Centre,
N.W. Railway, Udaipur.
5. F.A. & C.A.O.N.W. Railway, Jaipur.

.....Respondents.

(Mr. K.K.Vyas, Advocate, for respondents No. 1 and 2)
(None present for other respondents)

.....
ORDER
(BY THE COURT)

On perusal of order passed in Smt. Renu Devpura Versus Union of India and Others, decided on 8th day of March, 2005 which is a O.A. 117 of 2003 of this Tribunal, it is seen that the order indicates the Bench of the Tribunal as 'Calcutta', whereas, this is a O.A. - preferred, heard and disposed of at Jodhpur.

2. Accordingly, under Rule 24 of the Central Administrative Tribunal (Procedure) Rules, 1987, it is hereby ordered that the title of the order in this case would be as follows :-

“Central Administrative Tribunal
Jodhpur Bench, Jodhpur”

3. This order also shall form part and parcel of the earlier order referred above.

DR
8.4.05
[G.R.Patwardhan]
Administrative Member

jrm

Central Administrative Tribunal
Calcutta Bench, Calcutta

#12
I/15

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Mr. K.K.Vyas, Advocate, for respondents No. 1 and 2)
(None present for other respondents)

ORDER
(BY THE COURT)



This O.A. has been filed by Mrs. Renu Devpura, Senior Section Officer, Zonal Training Centre, Udaipur, against five respondents – led by the General Manager, Western Railway representing Union of India, F.A. and C.A.O. (Admn.) Western Railway, Senior Divisional Financial Manager, North Western Railway, Ajmer, Principal Zonal Training Centre, Udaipur and F.A. & C.A.O., North Western Railway, Jaipur. In Para 1.1, it is mentioned that the application is directed against (a) order dated 31.3.2003 by which the applicant was transferred from the post of Senior Section Officer, Zonal Training Centre, Udaipur to T.A. Ajmer vide Annex. A/1 and (b) against order dated 29.4.2003 whereby her representation has been rejected by F.A. & C.A.O. Western Railway.

2. The O.A. was filed on 28.7.2003 and its reply on 21.1.2004. There was a prayer

for interim relief at the initial stage; it was requested that the order of transfer and letter rejecting her representation be stayed. However, during the pendency of the O.A., it appears the applicant joined the new place-Ajmer.

3. Learned counsel for both the parties have been heard. Briefly stated, the applicant wants the Tribunal to believe that her husband being an officer of Mewar Anchalik Bank at Udaipur and she being one of the senior employees of Railway, opted for posting in North-Western Railway at Zonal Training Centre, Udaipur. No other employee had opted for this post but to her surprise, while many of her juniors at Jaipur were not disturbed on reorganisation of Western and Northern Railway, she was singled out and transferred to Ajmer. She represented against the same, but it was turned down (Annex. A/7 and Annex. A/1-A). Another representation was sent on 22.5.2003 to F.A. & C.A.O. to retain her at Udaipur itself (Annex. A/8 and Annex. A/9) but without deciding that, the Principal, Z.T.C., Udaipur relieved her on 11.7.2003 and advised her to report to Senior Divisional Finance Manager, North Western Railway, Ajmer (Annex. A/11).



4. Through the pleadings and arguments following grounds have been taken to attack the impugned orders :-

- (a) It is an accepted premise that wherever husband and wife both are in service, they should be posted together.
- (b) There are number of other employees, junior to the applicant who have not been disturbed from their present places of posting.

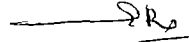
5. Through the reply and arguments respondents have tried to explain the scenario as it existed prior to reorganization of Western Railway, concentration of accounts staff at Ajmer, the usual pattern of seeking postings by them at or near Ajmer and lastly that, transfer is an incidence of service and unless bias and mala fide are alleged and proved Courts should not normally interfere. It has also been submitted that consequent to a decision of Mumbai Bench of the C.A.T. in O.A. Nos. 634, 688 and 1070 of 1998 dated 9.2.1999 where it directed preparation of a common seniority of the optees working in Headquarters controlled posts, they have modified the optee's list, but even then applicants' case does not merit any change. They, therefore, have prayed for dismissal of the O.A.

6. During the course of arguments, the learned counsel of the applicant submitted that the revised seniority list of the Section Officer - optees for transfer-indicates clearly that she was senior enough to be retained at Udaipur and so the respondents be directed to consider this aspect and make necessary corrections in the impugned orders.



No mala fide or bias has been alleged. There is no hint of breach of any rule. The applicant and her spouse are not working in the same department. Therefore, in view of the foregoing and the fact that the applicant in para 4.9 of O.A. has specifically mentioned that she made a detailed representation on 22.5.2003 to F.A. & C.A.O. and which has not been commented upon by the respondents in their reply, the O.A. is disposed of with a direction to respondent No. 5, F.A. and C.A.O., North Western Railway, Jaipur to consider the same, take appropriate decision and communicate the same within next 90 days. As the applicant has already joined the new place of posting, the cause of action abates.

8. No order as to costs.


(G.R. Patwardhan)
Administrative Member

jrm

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