

I/6

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

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Date of Order : 10-02-2003

O.A. NO. 267/2002

Chhoga Ram S/o Shri Karma Ji, By Caste Meghwal, Resident of Rani, District Pali Marwar, at present working as Khalasi-Painter, Abu Road.

.....Applicant.

VERSUS



1. The Union of India through the General Manager, North West Railway Zone, Jaipur.

The Divisional Railway Manager, North West Railway, Ajmer.

3. Shri Kamal Kishore Gauri Shankar, In the office of Chief Inspector, Inspection, Railway Station, Abu Road, District Sirohi.

.....Respondents.

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CORAM :

Hon'ble Mr. J.K. Kaushik, Judicial Member

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Mr. D.K. Parihar, Advocate, for applicant, is present

Mr. Salil Trivedi, Advocate, for Respondents 1 and 2, is also present.

None is present for the private respondent No. 3.

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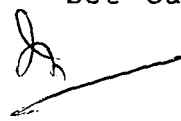
O R D E R

BY THE COURT :

Shri Chhoga Ram, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 assailing the order dated 17.9.2002, Annex. A/6, by which he has been transferred from Abu Road to Gandhidham with further prayer to retain him at Abu Road on promotion and instead transfer the respondent No. 3 to Gandhidham.

2. The material controversy involved in this case is very short. The applicant belongs to scheduled caste. He got his promotion as Painter-Khalasi in 1994 and was posted at Gandhidham, which was subsequently changed to Abu Road on his request/representation. He passed further trade tests for promotions to the post of Senior Painter-Khalasi and Painter Grade-III. Thereafter, he was ordered to be transferred on promotion to the post of Painter Grade-III and posted at Gandhidham vide the impugned order dated 17.9.2002 (Annex.A/6). This order has been assailed on the ground that the applicant belongs to scheduled caste and he is entitled to be posted at Abu Road which is nearer to his native place, the transfer is during mid-academic session and his children are studying, his junior is transferred at Kamlighat and his wife is ailing for last one year.

3. The official respondents have contested the case and have filed a detailed counter reply. The defence as set out in the reply is that the applicant has not been

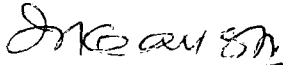


transferred simpliciter as projected by him. He has been ordered to be promoted and transferred to Gandhidham where, there is a vacancy for the post of Painter Grade-III. He has no right to be transferred to a particular place. The impugned order has no application to the controversy involved in the instant case. Hence, the O.A. deserves dismissal with costs. No notice could be served on respondent No.3 for want of correct address.

4. A rejoinder supported by an affidavit, has been filed on behalf of the applicant stating therein that the North-West Zone has come into existence on 1.10.2002 and the applicant has already submitted his option to remain in the new zone and Abu Road falls under it. But, Gandhidham remains under Western Railway Zone and, therefore, the very O.A. itself has become infructuous. It is also indicated that he continues at Abu Road.

5. I have heard the learned counsel for the parties and have bestowed my earnest consideration to the records of this case.

6. The learned counsel for the respondents has submitted that the O.A. may be disposed of on the basis of rejoinder supported by an affidavit. The learned counsel for applicant sticks to the facts narrated in the aforesaid rejoinder. Thus, in the facts and circumstances of this case, the O.A. has become infructuous and the same is accordingly dismissed as infructuous. No costs.


 [J.K. Kaushik]
 Judicial Member

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Part II and III destroyed
in my presence on 14-5-08
under the supervision of
section officer () as per
order dated 27-2-08

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Section officer (Record)