

S/b

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR;

Date of Decision: 13.5.2002

OA 64/2002

Kishan Singh, Blacksmith at Sr Section Rail Path, Sojat Road, r/o Q.No.E-123/D, Railway Colony, Sojat Road, Distt. Pali.

... Applicant

v/s

1. Union of India through General Manager, W/Rly, Churchgate, Mumbai.
2. Divisional Rly Manager, W/Rly, Ajmer.
3. Rail Manager (Estt), W/Rly, Power House Nagar, Ajmer.
4. Chief Rail Path Superintendent, Sojat Road, Distt. Pali.

... Respondents

CORAM:

HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant ... Mr.Vinay Jain

For the Respondents ... Mr.Salil Trivedi

O R D E R

PER HON'BLE MR.JUSTICE O.P.GARG, VICE CHAIRMAN

The applicant is presently working as Blacksmith Grade-II. He was initially posted at Marwar Junction.

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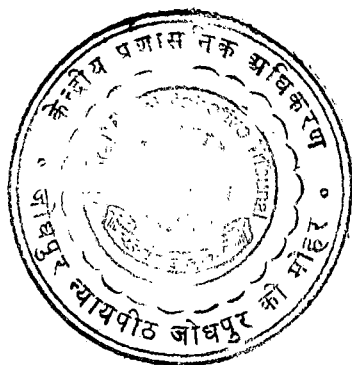


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He was transferred to Sojat Road on his own request. He joined there and started working. Now, by the impugned order dated 19.2.2002 (Ann A/2), he has been transferred from Sojat Road to Radhanpur in public interest and on administrative grounds. It is this order which has been challenged by the applicant by means of this OA under Section 19 of the Administrative Tribunals Act, 1985.

2. After having heard the learned counsel for the applicant at the threshold of this OA and taking into consideration the fact that ~~the~~ since the applicant was transferred to Sojat Road on his own request, he should not have been transferred to another place within a short span of period, we passed an interim order on 5.3.2002. Now a detailed reply has been filed by the respondents. From the reply it appears that the applicant committed certain delinquencies inasmuch as he started to come to office in a drunken state and picked up quarrel and indulged in ~~the~~ wrangle with a number of employees. His conduct was viewed seriously and consequently alongwith other employees he was transferred, by the impugned order, from Sojat Road to Radhanpur by downgrading the post from Grade-I to Grade-II without affecting emoluments of the applicant.

3. The learned counsel for the applicant pointed out that since the applicant was transferred to Sojat Road on his own request, there was no justification



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to retransfer him to Radhanpur within a period of less than three months. This submission of the learned counsel for the applicant though is very attractive, we find from the material placed before us that continuance of the applicant in view of his undesirable activities at Sojat Road was not in administrative or public interest. The authorities concerned were compelled to transfer the applicant to Radhanpur in view of the delinquencies committed by him. Merely because the applicant has been retransferred within a period of three months, he has not acquired an indefeasible right to continue at Sojat road and to commit delinquencies. After having taken into consideration the facts brought before us, we find that the order of transfer does not suffer from any illegality or irregularity. We are not inclined to interfere in the matter.



4. In the result, the OA is dismissed. The interim order dated 5.3.2002 stands discharged.

5. The learned counsel for the applicant however pointed out that the applicant is feeling repentant for his conduct and has in fact put in apology to the concerned controlling authority and in view of this matter, the applicant deserves some leniency. This aspect of the matter may be dealt with and considered by the departmental authorities. The applicant shall be at liberty to make a representation, which may be given due consideration by the respondents.


(A.P. NAGRATH)
MEMBER (A)


(JUSTICE O.P. GARG)
VICE CHAIRMAN

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~~1950~~

Part II and III destroyed
in my presence on 12-7-57
under the supervision of
section officer [signature] as per
order dated 14-1-57

Section officer (Record)

Recd.
[signature]
[signature]