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**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

Original Application No. 85/2008

Date of order: 17.04.2008

HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.

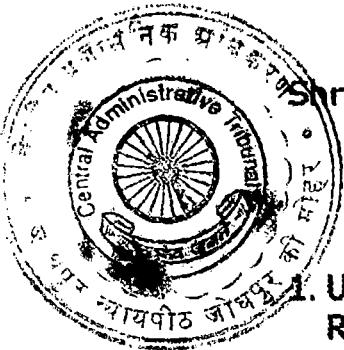
1. Radha Kishan son of Shri Nand Ram, aged about 27 years, at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.
2. Ganpat Lal son of Shri Mangi Ram, aged about 50 years, at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.
3. Bhanwar Lal son of Shri Sanwal Ram, aged about 47 years, at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.
4. Bhanwar Lal son of Shri Deda Ram, aged about 48 years, at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.
5. Om Prakash son of Shri Ram Lal, aged about 34 years at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.
6. Razak Mohammed son of Shri Sultan Khan, aged about 35 years, at present employed on the post of Carriage Helper Khallasi in the office of Sr Section Engineer (C&W), NWR, Merta Road.

Address for correspondence:

C/o Shri Radha Kishan, Mohulla No. 4, Deo Narayanji Ka Mandir, Gurger Ka-Mohulla, Bypura, Merta Road Jn.

...Applicants.

Shri J.K. Mishra, counsel for applicants.



VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur.
2. Assistant Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur.

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3. Divisional Mechanical Engineer (C&W), North Western Railway, Jodhpur Division, Jodhpur.

...Respondents.

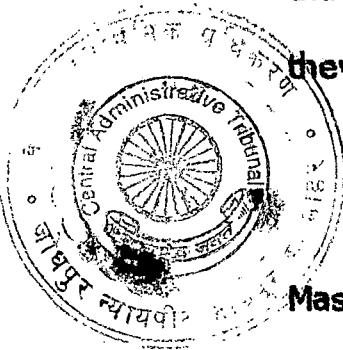
ORDER
Per Mr. Justice A.K. Yog, Member (J)

Heard Shri J.K. Mishra, Advocate, representing the applicant and perused the pleadings as well as the documents annexed with the O.A.

By means of impugned order dated 28.03.2008./ Annexure A/1 to the O.A., six applicants in this O.A. have been transferred on administrative ground from Merta Road to Jodhpur, where, according to the impugned order, posts are lying vacant.

According to the applicants, this order of transfer to Jodhpur is in substance an order of declaring surplus and consequential absorption against vacant posts at Jodhpur. In view of it, the applicants contend that their case should have been dealt with in accordance with Master Circular No. 22 / Annexure A/5 to the O.A. The contention of the applicants is that junior-most should have been transferred. In this respect, they have mentioned eight names vide para 4.6 of the O.A.

Learned counsel for the applicants referred to clause - 5 of Master Circular No. 22 (referred to above). The said clause - 5 starts with the word "Normally".



Learned counsel for the applicants informs that applicants have not so far approached the respondent-authorities for considering their grievance.

Since impugned order is passed on administrative ground, it will be expedient that grievance of the applicants be first considered by the respondent-authorities as expeditiously as possible.

Learned counsel for the applicants submits that applicants shall file representation within two weeks from today.

On behalf of the applicants, learned counsel further submits that till the decision of the proposed representation (as stipulated above), the applicants may not be disturbed in pursuance to the impugned order. Since this Bench has not entered into the merit of the case and required the respondent-authorities to consider the grievance, it is desirable that the applicants may, while filing representation, also pray for such interim relief and there is no reason why concerned 'respondent-authority' shall not consider their prayer for interim relief pragmatically and sympathetically taking into consideration all relevant circumstances.

In view of the above, the applicants are permitted to file comprehensive representation along with a certified copy of this order and a copy of O.A. with all annexures within two weeks



from today before respondent No. 2 / Assistant Personnel Officer, North Western Railway, Jodhpur Division, Jodhpur and said respondent-authority shall consider the said representation (including grant of interim relief, if any, prayed for), exercising unfettered discretion in accordance with law, relevant statutory provisions/rules including departmental circulars/orders, etc., and pass a reasoned/speaking order within four weeks of receipt of certified copy of this order. The decision taken on the representation shall be communicated to the applicants forthwith.

Original Application No. 85/2008 stands finally disposed of with the above directions at admission stage.

No order as to costs.

A.K. Yog
[A.K. Yog]
Member (J)

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Part II and III destroyed
in my presence on 15/12/2014
under the supervision of
Section Officer (1) as per
order dated 19/12/2014
Section Officer (Record)