

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR.**

Original Application no. 159/2008.

Date of decision : 19.12.2008

Hon'ble Mr. Khushiram, Administrative Member.



1. Shakti Singh, S/o Shri Prem Singh, aged about 32 years, R/o C/o Senior Section Engineer (Electric Power) NWR, Barmer (Raj) Presently working on the post of ACC fitter -II in the office of SSE (Elect.P) NWR, Barmer (Raj)
2. Shankar Singh, S/o Shri Bhakar Singh, aged about 31 years, R/o C/o Senior Section Engineer (Electric Power) NWR, Barmer (Raj) Presently working on the post of ACC fitter - III in the office of SSE (Elect.P) NWR, Barmer (Raj).
3. Jitender Sharma, S/o Shri Genda Lal, aged about 35 years, R/o C/o Senior Section Engineer (Electric Power) NWR, Barmer (Raj) Presently working on the post of ACC fitter - III in the office of SSE (Elect.P) NWR, Barmer (Raj).
4. Rajendra Singh, S/o Shri Babu Lal, aged about 34 years, R/o C/o Senior Section Engineer (Electric Power) NWR, Barmer (Raj) Presently working on the post of ACC fitter -III in the office of SSE (Elect.P) NWR, Barmer (Raj).

: Applicants.

Rep. By Mr. S.K. Malik, Counsel for the applicant.

VERSUS

1. Union of India through the General Manager, NWR, Jaipur.
2. The Senior Divisional Personnel Officer, NWR, Jodhpur Division, Jodhpur.
3. The Assistant Personnel Officer, NWR, Jodhpur Division, Jodhpur.

: Respondents.

Rep. By Mr. Manoj Bhandari : Counsel for the respondents.

ORDER

Per Mr. Khushiram, Administrative Member.

The O.A. was filed by four applicants initially to seek cancellation of their transfer from Jodhpur to Barmer vide order dated 07.08.2007. The learned counsel for the applicants

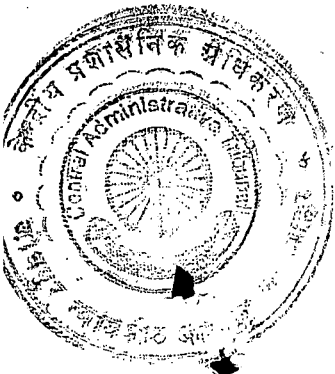
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contended that the transfer order passed by the respondents was without jurisdiction in the first place and there were no vacancies of Grade II & III of ACC Fitter at Barmer, where the applicants are transferred.

2. The respondents have filed the reply stating that the vacancies of ACC Fitter are floating vacancies and applicants being junior most in the cadre were transferred to Barmer in the exigency of service. With a view to draw and pay of the allowances etc of the applicants the vacancies of ACC Fitter were transferred to Barmer.

3. However, before the final hearing today the respondents have placed on record the order dated 18.11.2008 whereby all the four persons transferred to Barmer have been posted back to the Jodhpur on their own request.

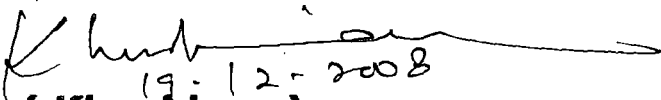
4. The learned counsel for the applicants contended that out of four applicants, Rajendra Singh who was also transferred on request to Jodhpur, along with other applicants, is still in Barmer and he has not been relived so far. In this regard the learned counsel for the respondents submitted that he will also be relived as soon as replacement is available, since the person who has been posted to Barmer has not been able to reach Barmer to relieve Sh. Rajendra Singh.




5. The learned counsel for the applicant argued that initially the order was illegal being beyond jurisdiction of the authority and secondly transfer on request is not withdrawal of the order. Moreover he pressed the point that out of four applicants, three applicants have been transferred back on Jodhpur and one applicant Rajendra Singh is still in Barmer and therefore he prayed that a time limit may be prescribed by the Tribunal for compliance of the orders issued by the respondents.

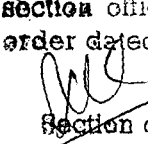
6. I have carefully considered the rival contentions. I am of the view that transfer in service is a policy matter and normally should not be agitated before the Court. However, out of four applicants three were transferred back to Jodhpur on request and 4th applicant Shri. Rajendra Singh could not be relived in the absence of the reliever. I hope the respondents, being model employer, would re-transfer Shri Rajendra Singh to Jodhpur, as per their order, as early as possible. In view of the above position nothing survives in this O.A. Ordered accordingly.




 19.12.2008
(Khushiram)
Administrative Member

Sonegara

Rec

S. K. Mallick
13/11/09

Part II and III destroyed
in my presence on 19/12/09
under the supervision of
section officer (J) as per
order dated 19/8/2014

Section officer (Record)

Rec/copy
Jyoti Chav
13/01/09