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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, Jodhpur**

Original Application No. 174/2008

Date of decision: 19.08.2008

Hon'ble Mr. Tarsem Lal, Administrative Member.

Champa Lal Meena, S/o Shri Tunda Ram aged 58 years resident of 64 Jaishree Colony, Bohra Ganesh Ji Udaipur at present employed on the post of Chief Ticket Inspector Udaipur in the grade of Rs. 6500-10500 under D.R.M Ajmer, N/W Railway.

: applicant.

Rep. By M/s. J K Mishra &
A.K Kaushik:

Counsel for the applicant.

VERSUS

1. Union of India through General Manager, North West Railway Jaipur.
2. Divisional Railway Manager, Ajmer Division, North West Railway, Ajmer.
3. Sr. Divisional Commercial Manager, Ajmer Division, North West Railway, Ajmer.

: Respondents.



ORDER

Per Mr. Tarsem Lal, Administrative Member.

Champa Lal Meena, has filed this O.A under Sec. 19 of the Administrative Tribunals Act, 1985, and requested that the impugned order dated 01.08.2008 (Annex. A/1) may be declared as illegal and the same be quashed qua the applicant.

2. The facts as relevant to the case are that the applicant is working as Chief Ticket Inspector (CTI for short) in the scale of pay of Rs. 6500-10500. The applicant came to know that respondent

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No. 2 was going to transfer him on the post of Divisional Chief Ticket Inspector (DCTI for short) at Ajmer in the same scale of pay. Against proposed transfer, he has submitted representations dated 01.05.2008, 16.07.2008 and 22.07.2008 along with medical certificate issued by the competent authority regarding illness and continuous treatment of his wife and requested the respondents to consider his case of transfer sympathetically and allow him to remain at Udaipur as he is not willing to work as DCTI at Ajmer.

3. The respondents, without considering his representations and without furnishing any reply, have issued the impugned order dated 01.08.2008, (Annex. A/1) transferring the applicant from Udaipur to Ajmer. The applicant submitted another representation dated 11.08.2008 (Annex. A/5) and requested the respondents to consider his case on various grounds given in the above letter. The applicant has stated that the 5th Pay Commission has made the following recommendations regarding transfer of employees who were likely to retire within a period of three years. The relevant portion reads as under:

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Generally, transfers should not be made after a government servant has attained an age three years less than the age of his superannuation and wherever possible a retiring government servant should be transferred to a station of his choice, three years prior to his superannuation."

4. The applicant has been transferred vide order dated 01.08.2008, whereas his date of superannuation is 30.11.2010 and the same is less than three years. He further claims that in Jodhpur Division, junior employee is holding the post of DCTI



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continuously for many years. He has stated that his wife requires regular treatment at Udaipur as she is suffering from depression and treatment at Udaipur suits her.

5. Heard the learned counsel for the applicant. He has reiterated most of the averments already made in his pleadings in the O.A. With his consent, this O.A. has been taken up for final disposal at the admission stage.

6. I have carefully considered the case and perused the documents placed on record. It is seen that the applicant has been working as CTI and has been transferred to Ajmer vide the impugned order dated 01.08.2008 (Annex. A/1). He has been transferred to Ajmer as DCTI from Udaipur on the same scale of pay. It is further seen from the averments made in the O.A. that he is not willing to work as DCTI. He has submitted representations dated 01.05.2008, 16.07.2008, 22.07.2008 and 11.08.2008 (Annex. A/5) against his transfer from Udaipur to Ajmer and he intends to stay at Udaipur, in view of the fact that his retirement date is less than three years.



7. In view of the above, the interest of justice would be met, if the respondents are directed to re-consider the case of transfer of the applicant from Udaipur to Ajmer. Accordingly, the respondents are directed to re-consider the transfer of the applicant from Udaipur to Ajmer in view of the representations made by the

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applicant vide his letters dated 01.05.2008, 16.07.2008, 22.07.2008 and 11.08.2008 (Annex. A/5). Registry is directed to send a copy of this O.A along with its annexures with a certified copy of this order to the respondents. The respondents are directed to take a decision in this case within a period of one month from the date of receipt of certified copy of this order. The respondents are further directed not to relieve the applicant from Udaipur to Ajmer till a final decision is taken on reconsideration of the transfer of the applicant. In case they are not able to accede to the request of the applicant, the respondents are directed to pass a detailed speaking order

8. With the above observations the O.A is disposed of at the admission stage.

Tarsem Lal 19/8.08.
[Tarsem Lal]
Administrative Member.

Jsv.



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Rumr
20/8/08

NO 716073
DL - 30.8.8

Part II and III destroyed
in accordance with
and under supervision of
section officer (Record)
order dated 19/8/2014