

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

**ORIGINAL APPLICATION NO. 198/2009
&
MISC. APPLICATION NO. 119/2009**

Date of Order: 14.09.2009

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

Rajendra S/o Shri Lakhan, by caste Gangota, Age 52 years, resident of Loco Colony, Ward No. 36, Hanumangarh Junction, Teh. & District Hanumangarh. Presently working on the post of Sr. Khalasi, North Western Railway, Hanumangarh Junction.

...Applicant.

None is present for the applicant.

VERSUS

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Bikaner Division, Bikaner.
3. Assistant Divisional Engineer-I, North Western Railway, Hanumangarh.

...Respondents.

ORDER

[PER HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER]

None is present for the applicant.

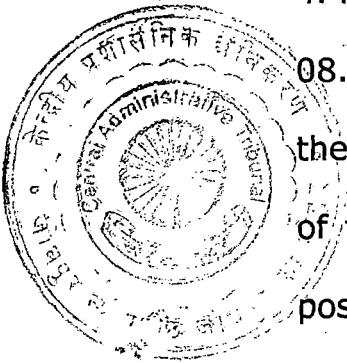
2. On 18.05.2009, defects as pointed out by the Registry were not removed and the case was posted to 26.05.2009. On that date also, defects were not removed and the case was posted to 08.07.2009. On that date also, defects were not removed and the case was posted to 31.07.2007. On

K.B. Suresh

that date also, defects were not removed and the case was posted to 20.08.2009. On that date also, defects were not removed and the case was posted before the Bench on 28.08.2009. On that date, there was a strike of lawyers and the case could not be taken up and the case was posted today i.e. on 14.09.2009.

3. On 10.09.2009, a Misc. Application for condonation of delay seems to have been filed, besides removing all the defects and as such the case was registered.

4. From the record, it seems that the impugned order is dated 08.08.2006 and it transpires from the enquiry at the bar that the distance between Hanumangarh and Ratangarh, the place of transfer of the applicant where the applicant is presently posted is about 100-150 kms. No specific details would be forthcoming. The contention of applicant in his pleadings is that he had been transferred on mala fide intention. He has cited two reasons i.e. firstly, he had been retrenched and by virtue of a High Court order he had been reinstated and secondly he was apparently tortured and as such he filed case against the officers of the North Western Railway before the C.B.I. and the C.B.I. proceeded against the officials of the North Western Railway and had punished them. He contended in his pleading that due to malice and to take



revenge, he has been transferred from Hanumangarh Junction to Ratangarh.

5. However, whatever may be the reason to allege mala fides against the officers/official but it is seen that the transfer order has been passed on administrative ground. The alleged mala fides contained in the two incidents, without more specific, cannot be relied upon to found malice. It also transpires that the distance between Hanumangarh and Ratangarh is not much. From the pleadings, it does not appear that there is sufficient merit in this O.A. and as such I have no option other than to dismiss this O.A. with no order as to costs for non-prosecution. Ordered accordingly. Thereupon, the Misc. Application for condonation of delay is also dismissed.



**[DR. K.B. SURESH]
JUDICIAL MEMBER**

R/c
Vijay
30.09.09.
(VIJAY JAIN)

Part II and in accordance
in my presence on 8/5/15
under the supervision of
section officer () as per
order dated 07/07/15
Section officer (Record)