

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 430/2004

This the 4th day of February, 2005

HON'BLE SHRI S.P. ARYA, MEMBER (A)

Bhagwan Shanker aged about 44 years son of late Shri Shiv Dutt resident of Opposite Anand Bal Vidya Mandir, Anand Nagar, Jail Road, Lucknow.

By Advocate: Praveen Kumar

Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Moradabad.

Respondents

By Advocate: Sri Bhupendra Singh for Sri S. Verma

ORDER (ORAL)

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

Heard,

The applicant by this O.A. assails his transfer order dated 22.1.2004 along with post on administrative ground by which he has been transferred from Moradabad Division to Lucknow Division on the grounds that the transfer order is punitive in nature and is passed on the basis of charges on which the applicant has already been punished and therefore, it was found double jeopardy.

2. I have heard learned counsel for both the parties and perused the pleadings.
3. There is no bar on transferring an official from one place to another place when he was punished and transferring the applicant does not amount to double jeopardy. However the circumstances under which the applicant has been transferred along with the post has not been explained

in the counter reply. It is found that the applicant has already moved a representation against this transfer order by letter dated 28.1.2004 (Annexure No.A-3). With the consent of both the parties, it is found expedient in the interest of justice that the respondent No. 1 is directed to decide the representation keeping in view the circumstances disclosed in the representation by the applicant within a period of one month from communication of this order and also communicate the decision thereon to the applicant. With these directions, O.A. is disposed of with no order as to costs.

22/3/04
(S.P. Arya)
Member (A)

HLS/-