

Central Administrative Tribunal

Lucknow Bench, Lucknow

Original Application No. 320/2003

this the 11th day of July, 2003

HON'BLE MR. A.K. MISRA, AM

Mrs. Renu Nagar aged about 35 years wife of Sri Pankaj Nagar r/o 49, Clay Square, Lucknow.

...Applicant

By Advocate: Sri Yogesh Kesharwani

Versus

1. Union of India through its General Manager (Est.) Northern Railway, Baroda Hosue, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Dy. Chief Mechanical Engineer, Carriage and Wagon Workshop, Alambagh, Lucknow.
4. Mrs. Kanchan Malviya, Rajya Bhasa Sahayak Grade II, c/o Divisional Railway Manager, N.Rly. Hazratganj, Lucknow.

...Respondents

By Advocate: Sri N.K. Agarwal

ORDER (ORAL)

MR. A.K. MISRA, AM

The applicant of this O.A. has prayed for quashing the impugned order of transfer as contained in Annexure No. 1 and 2 of the O.A and for issue of directions to the respondents to allow the applicant to perform her duties as Rajya Bhasa Sahayak Grade II.

2. Pleadings on record have been perused and learned counsel for the parties have been heard.

3. The brief facts of the case are that by order dated 12.6.2003, the applicant was transferred from the post of Rajya Bhasa Sahayak Grade II in the DRM's office to the same post in the Carriage and Wagon Workshop, Alambagh, Lucknow.

4. On behalf of the applicant it was argued that she

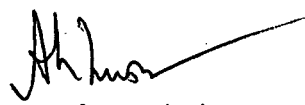
has been transferred ~~from~~^{on} the same post from DRM's office to Carriage and Wagon Workshop , Alambagh, Lucknow only to accommodate one Sri Kanchan Malviya. Further it was submitted that the applicant had also made an application in this regard on 20.6.2003 to the General Manager (Personnel), New Delhi through proper channel which has not yet been decided. It was also submitted on behalf of the applicant that she has not yet been relieved of her duties from the office of DRM.

5. Learned counsel for the respondents submitted that no interference is called for in the transfer order since the transfer is a normal incidence of service and unless violation of statutory rules or existence of malafides is shown, the transfer order should not be interfered with as held in number of cases by the apex court.

6. Having regard to the submission made on behalf of the parties, I dispose of this O.A. with the direction to the respondents that the representation dated 20.6.2003 made by the applicant to the G.M. (Personnel) be decided by the competent authority within a period of six weeks from the date of receipt of this order. The applicant shall enclose a copy of the representation dated 20.6.2003 along with a copy of this order and send the same to the competent authority to enable him to take a decision in the matter. In case the applicant has any grievance after the disposal of ~~his~~^{her} representation, she shall be free to agitate the matter again if so advised.

7. It is provided that till such time as the applicant's representation is decided, she shall not be relieved in case she has not already been relieved.

8. The O.A. is disposed of as above without any order as to costs.


Member (A)

Lucknow:Dated: 11.7.03

HLS/-