

Central Administrative Tribunal, Lucknow Bench, Lucknow
Original Application No. 22/2004

this the 30th day of January, 2004

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

Mohd. Rashid aged about 35 years son of Sri Ammer
Hasan r/o T 5-A, Railway colony, Kheri Town, District
lakhimpur Kheri, U.p.

...Applicant

By advocate: Sri M.A. Siddiqui.

Versus

1. Union of India through General Manager,
North Eastern Railway, Gorakhpur.
2. The A.D.R.M., North Eastern Railway, Ashok
marg, Lucknow, U.P.
3. The DRM (P), North Eastern Railway, Ashok Marg,
Lucknow.
4. Shri V.K.Gupta, T.I., Lakhimpur N.E. Railway,
P.O. Lakhimpur, Dist. Lakhimpur Kheri, U.p.

...Respondents

By Advocate: Sri Prashant Kumar

ORDER (ORAL)

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

The applicant has filed this O.A. for
quashing of the impugned transfer order contained as
Annexure No. A-2 and decide the representation of the
applicant by a reasoned and speaking order.

2. I have heard the counsel for the parties
and perused the pleadings.

3. The counsel for the applicant contends that
the applicant was transferred from Oel Station to
Kheri Town Station on his own request in September,
2003. He ^{had} ~~got~~ small children who were studying in
Kheri and he cannot leave ^{them} behind for joining new
place of posting.

3. Counsel for the respondents contends that

since the applicant was appointed as Assistant Station master on 20.11.1991, he has managed his posting either at Kheri town or Oel Station and he has been spared on 5.1.2004 and notice to that effect had been passed on 12.1.2004 at the notice board of Railway Station and at his residential house. No interference ~~established to be~~^{is h} warranted as neither any ir~~r~~parable loss is going to cause of the applicant nor the balance of convenience lies with the applicant.

4. The contention of the applicant is that respondent No. 4 has made a false report against the applicant to the high ups and succeeded in getting him transfer, is vague. He has already been relieved. It is not the respondent No. 4 who is competent to make the transfer order. The transfer of the applicant has been made on administrative ground. The exigency of services warranted his transfer. The alleges an^emia of her wife and expecting the delivery has not been ~~given~~^{written} in the representation. The certificate stating that wife of the applicant is suffering from an^emia is not supported by the blood examination report which shows Haemoglobin 11.6 Gm percent. There has been no violation of statutory ~~and~~^a rules of established norms ~~by~~^{of} the Department in transferring him. I see no reason to interfere in the transfer order.

5. O.A. is devoid of merit and is dismissed. No cost.


MEMBER (A)

Lucknow:Dated: 30.1.2004

HLS/-