

Central Administrative Tribunal , Lucknow Bench,

Lucknow

O.A. No. 25/2007

this the 17th day of January, 2007

Hon'ble Shri A.K. Singh, Member (A)

Krishna Kumar Singh aged about 51 years son of Sri Kamla Prasad Singh, resident of Gadayan Road, Shastri Nagar, Ambedkar Nagar.

..Applicant

By Advocate: Shri B.K. Chowdhary

Versus

1. Union of India ,through Divisional Railway Manager (P), Northern Railway, DRM Office, Hazratganj, Lucknow.
2. Station Superintendent , Railway Station, Akbarpur, Ambedkar Nagar.
3. Chief Commercial Manager (G) Northern Railway, Head Office, Baroda House, New Delhi.

..Respondents

By Advocate: Shri Q.H. Rizvi

ORDER (ORAL)

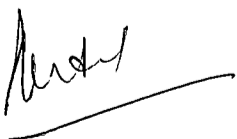
By Hon'ble Shri A.K. Singh, Member (A)

O.A. No. 25/2007 has been filed by the applicant Sri Krishna Kumar Singh (addressed given in the O.A.) against transfer order dated 9.1.2007, issued by respondent No. 1, the Divisional Railway Manager (P), Northern Railway, Hazratganj, Lucknow, by which, the applicant has been transferred from Lucknow Division to Moradabad Division.



2. The applicant submits that he was appointed as Commercial Clerk in the year 1980 and was subsequently promoted and posted as Senior Commercial Clerk at Railway Station, Akbarpur with effect from 28th December, 2003 and has been continuously working on the said post at the aforesaid Railway station till October, 2006 when he was placed under suspension vide order dated 19.10.2006 for shortage of cash amounting to Rs. 207/- for the day on 22.8.2006. The applicant deposited the amount found short as per rules. He was also charged for less payment of Rs. 16/- to a passenger. This amount was also duly paid back to the concerned person. However, on enquiry by the Vigilance, it was found that there was no excess amount, charged from any passenger. This completely nullified the charges in question. The applicant was accordingly reinstated on his post vide order dated 12.12.2006. However, he has been prohibited public dealing during the pendency of the disciplinary proceedings.

3. The applicant submits that he has been transferred at such a difficult point of time when his wife Smt. Meera Singh is suffering from Kidney ailment and is being treated in a Hospital at Akbarpur, Ambedkar Nagar. The applicant also suffering from heart problems and is under treatment for the same. His father is an old and

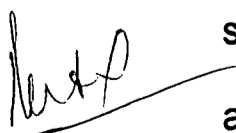


aged person and, there is no one to look after him now. The applicant submits that he has already submitted an application before the competent authority to consider his request for amending the transfer order in question to any nearby location from where he could look after the interests of his family. His representation dated 10.1.2007 is still pending for decision before the Chief Commercial Superintendent, Northern Railway, Baroda House, New Delhi.

4. Counsel for applicant Sri B.K. Chowdhary submits that he will be satisfied if the respondents are directed to consider his request for amendment in the place of transfer to any nearby suitable location from where he could look after his ailing wife and old and aged father. The applicant has also furnished medical evidences in support of his claim.

5. The counsel for respondents Sri Q.H. Rizvi has no objection to this request of the applicant.


6. I have considered the matter. I find that the interest of justice will be adequately met, if a direction is issued to the respondents to consider the case of the applicant in view of the above mentioned difficulties which the applicant has been facing in his personal life such as serious ailment of his wife and look after of his old and aged father. As regards the disciplinary action against



the applicant, that can go on and this court has no direction to issue in that regard.

7. In view of the above, I hereby direct the respondents to consider and decide the representation of the applicant on the basis of the facts mentioned in the aforesaid representation and in accordance with law, through a speaking order within a period of 2 months with effect from the date of receipt of certified copy of this order.

8. O.A. is disposed of in the manner stated above with no order as to costs.


Member (A)

HLS/-