

Central Administrative Tribunal, Lucknow Bench, Lucknow  
Original Application No. 257 of 2007

This the 19th day of June, 2007

HON'BLE SHRI JUSTICE KHEM KARAN, VICE CHAIRMAN

Radhey Lai aged about 32 years son of Late Sri Jagmohan, resident of Village Daullat Khera Post Kankaha, Thana Tehsi Mohanlalganj, District Lucknow presently posted as Gangman, office of Senior Section engineer P.B. IInd alambagh Northern Railway, Lucknow.

...Applicant

By Advocate: Shri T.P. Tripathi.

Versus

1. Union of India, through its Secretary Ministry of Railways Baroda House New Delhi.
2. Senior Section Engineer P.Way IInd Alambagh Northern Railway, Lucknow.
3. Senior Divisional Superintending Engineer D.R.M. Office, Northern Railway, Hazratganj, Lucknow.
4. Assistant Personnel Officers (Engg.) Divisional Office, Northern Railway, Lucknow.

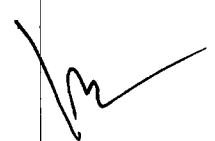
...Respondents.

By Advocate Shri N.K. Agarwal.

Order (Oral)

**BY HON'BLE JUSTICE KHEM KARAN, V.C.**

Heard Shri T.P. Tripathi appearing for the applicant and Shri N.K. Agarwal for the respondents on this O.A., against transfer order dated 21.5.2007 (Annexure 1) by which the applicant has been shifted from Lucknow to sultanpur. The applicant has contended that the transfer order has been passed because of the activities of the applicant as office bearers<sup>4</sup> of the association and such transfer is in breach of the guidelines, issued by the Railways from time to time.

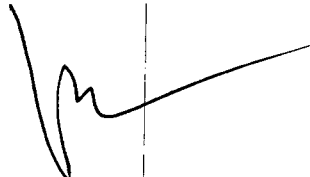


Attempt has also been made to say that applicant, being a member of the Schedule Caste should not have been shifted without any good reason as provided in letter dated 30.3.2006 (Annexure-6). Shri Tripathi has also tried to say that the applicant has not been relieved so far and representation given by the association to the Mandal Rail Prabhantak Northern Railway is still lying indisposed of. Copy of this representation is Annexure 8.

2. Shri Agarwal has stated, on the basis of the instructions received that <sup>the</sup> applicant <sup>has</sup> has since been relieved <sup>as</sup> way back in May 2007 itself, <sup>so</sup> as to enable him to join at the place, to which he has been transferred. <sup>has</sup> He <sup>has</sup> also pointed out that applicant has not annexed any copy of representation which he himself has given to D.R.M. Lucknow.

3. The Tribunal is of the view that it would be appropriate if this O.A. is finally disposed of with a provision that in case the applicant gives any representation to Respondent No. 3, for posting him back at Lucknow considering the fact that <sup>he is a</sup> ~~the~~ office bearer of the association, the authority concerned will consider the same in accordance with the relevant rules/guidelines on this <sup>subject</sup>.

4. So this O.A. is finally disposed of with a provision <sup>that</sup> in case, the applicant gives a representation to respondent No. 3 together with the copy of this O.A. within a period of one week from today, the respondent No. 3 shall consider and dispose of the same in



accordance with relevant guidelines/rules on this subject within a period of 15 days from the date of receipt of a certified copy of this Order. O.A. stands disposed of. No cost

Chun  
19.6.07

Vice Chairman.

V.