

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 227/2008

This the 26th day of June, 2008

Hon'ble Shri Justice Khem Karan, Vice Chairman

Amar Bahadur Singh son of late Manik Chandra Singh presently posted as Technician- I, at the Coaching Depot Office, Railways, Pratapgarh, Lucknow Division, Northern Railway, District- Pratapgarh, resident of Railway Quarters, L-36 B, Pratapgarh, District- Pratapgarh.

Applicant

By Advocate: Sri Arvind Kumar Pandy

Versus

1. The Union of India through the Secretary, Railways, Ministry of Railways, New Delhi.
2. The General Manager, Northern Central Railways, Baroda House, New Delhi.
3. The Divisional Railway Manager, DRM Office, Northern Railway, Lucknow.
4. The Assistant Divisional Mechanical Engineer, Carriage and Waggon, Northern Railway, Lucknow.
5. The Chief Coaching Depo Officer, Northern Railway, Pratapgarh, District-Pratapgarh.
6. The Chief Coaching Depo Officer, Northern Railway, Banaras, District- Banaras.

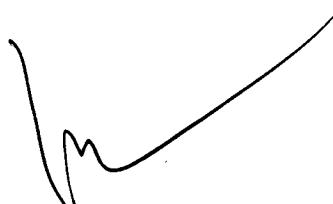
Respondents

By Advocate; Sri N.K.Agrawal

ORDER(ORAL)

BY HON'BLE SHRI JUSTICE KEHM KARAN, VICE CHAIRMAN

Sri Arvind Kumar Pandey appears for the applicant and Sri N.K.Agrawal for the respondents.



2. Since this O.A. is directed against the transfer order, so there appears to be no doubt that there is urgency so as to take it up <sup>in</sup> <sub>3</sub> in vacation.

3. I have heard the learned counsel for the parties and have perused the entire material on record. With the consent of parties counsel, this O.A. is being finally disposed of at admission stage.

4. Applicant is aggrieved of order dated 3.6.2008, by which he has been transferred from Coaching Depo office, Pratapgarh to Coaching Depo Office, Banaras in the same grade and capacity. The main grounds for challenging the said transfer order are that his superannuation is to take place in August 2010, that his wife has already expired and his son is having some mental ailment, treatment of which is going on here. It has also been stated that his mother aged about 78 years is having so many problems, such as High Blood Pressure, Asthma and is also suffering from Leprosy. In other words, applicant wants to say that because of the fact that his superannuation is going to take place just after 2 years and because he has so many family problems as mentioned above, so the transfer in question is not justified. Though, it is not pleaded in the O.A. but Sri Pandey informed that the applicant is at Pratapgarh since 1999.

5. Sri N.K.Agrawal says that since the impugned order is on administrative grounds and is in exigency of service, so there are no good grounds for interfering with the same. He says, the applicant has not supplied the material which may support his allegation that his mother is suffering from any serious ailment like Leprosy or his son is suffering from any mental ailment. According to him, the impugned order might have been implemented by now.

6. I am of the view that it would be just and proper to dispose of this O.A., with suitable directions to the respondent No. 3 to look into the grievance/problems of the applicant, and pass suitable orders. It will be for the authority concerned to consider the problems of the applicant and decide whether



these problems justify any change in transfer order. The Tribunal, however, expects that problems of the applicant shall be considered sympathetically.

7. So, the O.A. is finally disposed of with a provision that in case the applicant gives a self-contained representation, annexing thereto the relevant documents pertaining to the ailments of his mother or son and also the copy of this order to respondent No. 3 within a period of 15 days from today, the latter shall consider and dispose of the same by passing a speaking order, within a period of 15 days from the date, such representation is so received by him. Till such representation is so disposed of, the applicant will not be subjected to any disciplinary proceedings in connection with the transfer order in question. It is however made clear, in case the applicant does not give any representation within the period mentioned above, he will not be entitled the benefit of this order. No order as to costs.

*1 am - w*  
*26/11/88*

Vice Chairman

HLS/-