

CENTRAL AD. INISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration C.A. No.346 of 1991

I.K.Pandey and Another ..... Applicants

versus

Union of India & Others..... Respondents

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicants were transferred to the office of the Senior Accounts Offices, Stores, Alambagh, Lucknow after promotion to the post of Asstt. Accounts Officer. The applicants' grievance is that they have been transferred while Shri Rakesh Kumar Srivastava was promoted alongwith the applicants on regular basis and was also ordered for transfer but on his objection his transfer order was cancelled and he continued at his present place of posting i.e. in the office of the Senior Divisional Accounts Officer, Northern Railway, Hazratganj, Lucknow, opposite party No.2. One Shri Shahid Ali was also promoted alongwith the applicants on adhoc basis and retained in the same office. The circular issued by FA&CAO (Administration), Northern Railway, Baroda House, New Delhi's letter No.87/Administration/C/24/11 dated 29.1.88 provides that adhoc promotee will be transferred first and regular promotee will be transferred after, if necessary for the administration. But the persons promoted on adhoc basis have been retained in the same office and the opposite parties have discriminated in transferring the regular promotees.

The Railway Board's circular dated 27.4.79 which deals with "Periodical transfer of non-gazetted staff" provides that non-gazetted staff should not be transferred from one place to another without completion of 5 years tenure in the same office. The opposite parties have not followed the circular of the Railway Board dated 27.4.79. The applicants having not completed 5 years tenure have been ordered for transfer. This clearly shows that 'pick and choose' policy has been adopted by the opposite parties. The applicants aggrieved by this transfer order made a representation to the FA&CAC, Northern Railway, Baroda House, New Delhi on 18.2.1991 but the same is still pending and has not been decided so far. In view of the circumstances, dated 18.2.91 we direct the respondents to decide the representation/ within three months from the date of the receipt of the copy of this order after taking into account the ~~pleas~~ raised by the applicants in their representations. The application stands disposed in the above terms without any order as to costs.

Manohar S.  
ember (A)

VS  
Vice Chairman

Dated the 17th Sept., 1991.

RKM