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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

.....

Registration O.A. No. 279 of 1992

Bairagi Lal                      ...                      ...                      Applicant.

Versus

Union of India  
and others                      ...                      ...                      Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. K. Odayya, Member (A)

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

The applicant joined services of the Northern Railway in the year 1955 as Gangman and in due course of time was promoted to Clerical Cadre ( Material Checking Clerk) in the year 1978 on the basis of his merit, seniority and performance. According to him, he <sup>had</sup> a heart attack in the year 1983 and again a severe heart <sup>u</sup> attack on 21.4.1991 the information of which was given to the Railway Authorities by a telegramme and he was also treated by the Railway Doctor. In the meantime, by virtue of his seniority, the applicant was promoted to the post of Assistant Superintendent and was transferred to Moradabad. Against his transfer order, the applicant preferred a representation pointing out his difficulties to the departmental authorities and a copy of which has been annexed with this application as Annexure-A 7.


2. The learned counsel for the applicant contended that the respondents have not disposed of the representation of the applicant and in case the representation of the applicant would not have been disposed of, it is just possible that the respondents have considered the <sup>circumstances</sup> of the applicant including his ailment. It has <sup>been</sup>

pointed out in the application that the post of Assistant Superintendent is lying vacant in the nearer station of Hardoi like Shahjahanpur, Bareilly and Hapur etc.

3. It is a case of transfer and the applicant has been transferred after being promoted. We do not find any good ground to interfere in the transfer order. The transfer order has been passed in Administrative Exigencies. It is for the applicant to forego the promotion and not to forego the promotion and no observation in this behalf can be made, and we do not <sup>find</sup> it a case for interference <sup>more</sup>moreso, when the applicant's representation is already pending.

3. Accordingly, this application is disposed of with the direction that the respondents shall dispose of the representation of the applicant within a period of 3 weeks from the date of receipt of the copy of this order taking into consideration the pleas raised by him. It is expected that the respondents shall sympathetically consider the representation ~~of~~ filed by the applicant. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 23.6.1992

(n.u.)