

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

O.A. No.615/87

198

XXXXXX

DATE OF DECISION 28-10-1988

Shri Jawarchand Ramchandra Verma Petitioner

Mr. S.B. Kasar

Advocate for the Petitioner(s)

Versus

The General Manager, Central Railway Respondent
Bombay V.T. and another

Mr. P.R. Pai

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

The Hon'ble Mr. M.K.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?



(9)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A. No:615/87

Shri Jawarchand Ramchandra Verma,
Travelling Ticket Examiner,
Near Bhusaval High School,
BHUSAVAL - 425 201.

.. Applicant

v/s.

1. The General Manager,
Central Railway,
Bombay V.T.

2. The Divisional Railway Manager,
Central Railway,
Bhusaval.

.. Respondents

Coram: Hon'ble Member(A)Shri P.S.Chaudhuri

Appearances:

1. Mr.S.B.Kasar
Advocate for the
applicant.

2. Mr.P.R.Pai
Advocate for the
Respondents.

JUDGMENT

Date: 28-10-1988

(Per P.S.Chaudhuri, Member(A))

The applicant filed this application on 16-9-1987 under Section 19 of the Administrative Tribunals Act,1985. In it he prays for quashing the order dtd. 13-4-1987 in terms of which he was transferred from Bhusaval to Harda and other consequential and connected reliefs.

2. The facts briefly are that the applicant was working as a Travelling Ticket Examiner on the Central Railway at Bhusaval. His wife is the Editor of "Rail Duniya", a fortnightly published from Bhusaval. She sought an interview with the General Manager of the Central Railway who was passing through Bhusaval on Pathankot Express on 7-2-1987. During this interview

in the General Manager's saloon the applicant and the Divisional Railway Manager, Bhusaval (DRM for short) were also present. Thereafter, the applicant was directed to see DRM on 23-2-1987. As DRM was not available on 23-2-1987 this interview took place on 24-2-1987. By a letter dtd. 24-2-1987 the applicant was asked by the Senior Divisional Commercial Supdt., Bhusaval whether he had obtained permission before seeing the General Manager and what exactly was the representation he wanted to make to the General Manager. The applicant replied to this on 3-3-1987 stating that he had no representation to make and that he had only accompanied his wife. There was, therefore, no question of obtaining permission. Finally, on 13-4-1987 the impugned office order was issued transferring the applicant from Bhusaval to Harda in the interest of the administration. The applicant then applied for a house searching pass which he received on 28-4-1987. Thereafter the applicant applied for 8 days casual leave for house searching at Harda and in reply to which he was told that this request would be considered after he joined at Harda.

3. I heard Mr. S.B. Kasar, learned advocate for the applicant and Mr. P.R. Pai learned advocate for the respondents.

4. Mr. Kasar's basic contention was that the transfer was malafide as DRM who was present when the applicant's wife was given an interview by the General Manager, took offence at the applicant also being present there without prior permission from his office. He further contended that the letter dtd. 24-2-1987 had actually been dictated by DRM although it was issued by the Sr. Divisional Commercial Superintendent. He further contended that in pursuance of this dislike there had been a reluctance to issue him a house searching pass

and that the casual leave that the applicant sought for house searching was denied. He contended that there was unusual pressure to force the applicant to move on transfer to Harda.

5. It was Mr.Pai's contention that it was not obligatory for a railway employee to be sanctioned leave as well as joining time prior to joining duty at the new station. This facility could be availed even after joining duty. He contended that there was nothing unusual in asking an employee to move on transfer and extending the abovementioned facilities to him subsequently. In conclusion, he mentioned that the respondents had specifically denied that the letter dtd. 24-2-1987 had been dictated by DRM.

6. Based on these contentions I find that the applicant has not put forward any specific evidence on which one can draw a legitimate conclusion of malafide intentions. It is true that an employee of Central Railway is entitled to a pass for house searching when he needs to go in advance to his new station for the purpose of obtaining accommodation. To enable him to do so leave would be necessary. But in the instant case the applicant was issued with a house searching pass and was told that he could take this leave after joining at Harda. This by itself does not prove any malafide intentions. Based on this discussion, I am unable to conclude that there were any malafide intentions.

7. The second point raised by Mr.Kasar was that Harda was originally a part of Bhusaval division but had become a part of the newly formed Bhopal Division with effect from 1-7-1987. It was his contention that the

applicant's transfer amounted to a transfer from one Division to another which was not within DRM's competence. Mr.Kasar also contended that the staff of Bhusaval Division had been asked whether any of them wanted to go on transfer to Bhopal Division and the applicant had specifically not expressed any such desire.

8. Mr.Pai contended that the transfer order had been issued prior to the formation of Bhopal Division and at that time Harda was still a part of Bhusaval Division. There was therefore nothing wrong with the issue of the order.

9. I do not find anything in the evidence to indicate that behind the transfer order was a decision to get rid of an inconvenient employee to another Division. Hence, I do not see any force in Mr.Kasar's arguments.

10. Based on these discussions the result is that the application fails. The application is dismissed. In the circumstances of the case, the parties shall bear their own costs.



(P.S.CHAUDHURI)
Member(A)