

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW BOMBAY BENCH~~
NEW BOMBAY BENCH

O.A. No. - 198 -
T.A. No. 152 of 1987.

DATE OF DECISION 2-12-1987.

Shri Laxman S.Chavan. Petitioner

Shri K.R.Jadhav Advocate for the Petitioner(s)

Versus

The General Manager, Respondent
Central Railway, Bombay V.T. & three others.

Shri S.R.Atre (for Mr.P.M.Pradhan) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.Gadgil, Vice-Chairman.

The Hon'ble Mr.

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? no
4. Whether it needs to be circulated to other Benches of the Tribunal?

BCh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 152/87

Shri Laxman S. Chavan,
Station Road,
Post: Chalisgaon,
Tal: Chalisgaon,
Dist. JALGAON
MAHARASHTRA

.. Applicant

Vs

1. The General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Bhusawal,
Dist. Jalgaon.
3. S.D.C. Superintendent,
Bhusawal,
Dist. Jalgaon.
4. Station Superintendent,
Central Railway,
Manmad Head Quarter,
Tal. Nandgaon,
Dist. Nashik.

.. Respondents

Coram: Hon'ble Vice-Chairman B.C. Gadgil.

Appearance:

1. Shri K.R. Jadhav
Advocate for the
applicant.
2. Shri S.R. Atre (for
Shri P.M. Pradhan)
Advocate for the
Respondents.

ORAL JUDGMENT:

Date: 2-12-1987

1. Regular Civil Suit No. 150/85 of the file of the Civil Judge, Junior Division, Manmad was transferred to this Tribunal for decision.
2. In 1985 the applicant was a Travelling Ticket Examiner at Manmad. On 19-6-1985 he was transferred to Itarsi. There was some error in the transfer order and it has been corrected by a corrigendum dated 3-7-1985. The applicant filed the above mentioned suit challenging

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the said transfer order as mala fide. The main contention of the applicant is that his neighbour one Deshpande has filed a complaint about the applicant and that the railway Administration passed the impugned order in view of that complaint. The applicant contended that transfer for such reasons is not permissible. It appears that on 29-7-1985 the applicant was promoted as Head Ticket Collector and was posted at Itarsi. Thereafter the applicant filed the suit in question. Of course in the suit there is no prayer about this transfer or promotion. The suit was principally with respect to the transfer dated 19-6-1985/3-7-1985. The Civil Judge passed the order on 13-9-1985 to maintain status quo. On the basis of that order applicant has continued to work at Manmad.

3. The respondents have filed their reply after the matter was transferred to this Tribunal and opposed the claim of the applicant. The respondents admitted that there was a private complaint by Deshpande. However, they contended that the transfer order is not the result of such complaint. The allegations about mala fides were denied. It was submitted that the applicant would not have been promoted on 29th July, 1985 if there was any such bias.

4. In this matter the applicant has filed Misc. Petition No.386/87 for inspection of certain documents. However, that application does not survive in view of this judgment arising out of subsequent events. Misc. Petition is disposed of accordingly without any order.

5. It is not necessary to go into the various contentions raised by the parties in view of the subsequent events. Initially Itarsi was within the jurisdiction of the Divisional Railway Manager, Bhusaval and it is he who has transferred the applicant to Itarsi in 1985. However,

it is common ground that a new Division has been constituted known as Bhopal Division. Itarsi is now within the jurisdiction of Bhopal Division. In the background of this position the order of transfer by Divisional Railway Manager, transferring the applicant to Itarsi, would not be operative and hence it is not necessary to consider the allegations of mala fides made by the applicant. Hence I pass the following order:

O R D E R

The transfer of the applicant to Itarsi does not now survive in view of Itarsi now within the jurisdiction of the Divisional Railway Manager, Bhopal. Thus the application is disposed of without any further orders except the above declaration.

Parties to bear their own costs.



(B.C.GADGIL)
Vice-Chairman.