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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 530/87

198

T.A. No.

DATE OF DECISION 21 December 1987

(21.12.1987)

Shri Raj Singh K _____ Petitioner

Applicant in person _____ Advocate for the Petitioner(s)

Versus

General Manager, Western Rly., _____ Respondent
Bombay Central

Mr. R C Master _____ 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?
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?

yes

no

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A.NO.530/87

Shri Raj Singh K
C/o. Mr. K D Naik
Advocate
57F Bhupen Chambers
Dalal Street, Fort
Bombay 400023

Applicant

V/s.

1. Union of India

2. General Manager
Western Railway
Churchgate, Bombay

3. D.R.M. Western Railways
Bombay Central

Respondents

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

Apperance:

Applicant in person

Mr. R C Master
Advocate
for the respondents

ORAL JUDGMENT

DATED : 21.12.1987

(Per: B C Gadgil, Vice Chairman)

The applicant is an Electric Signal Maintainer with the Western Railway. By an order dated 5.5.1987 (vide Exhibit F) he is transferred from Balsar to Bombay. It is this order which is being challenged before me. The matter was partly heard by me on 4.12.1987. During the course of the hearing it appeared that there were vacancies at Surat. Hence I made a suggestion to the Administration to consider as to whether the applicant could be accommodated by transferring him to Surat.

2. The matter has come up to-day for further hearing. The applicant is present in person. Mr. Master appears for the respondents. Mr. Master states that there are 17 vacant posts of Electric Signal Maintainer at Bombay as against this there are only 2 vacancies at Surat.

B.C.

He further told me that the process for filling all the posts has already begun. Written test and viva-voce examinations have taken place and that the matter would be finalised within a period of three months or so. On instructions from Mr. Ansari, Law Assistant, who is present in the court to-day, Mr. Master made a statement that when such recruitment is finalised the case of the applicant for transfer either to Balsar or to Surat will be favourably considered only on condition that the applicant vacates the railway quarters at Balsar. In my opinion this attitude of the Railway administration is quite good and in the background of this I do not think that it is necessary to consider the merits of the transfer in question. Before closing I must observe that I hope that the applicant would be transferred either to Balsar or to Surat by the time the recruitment process of the vacant posts is finalised.

3. The applicant has not as yet joined his posting at Bombay. He is permitted to join his duties at Bombay. The period of absence from the date of transfer till he joins his duty at Bombay be treated as leave, with pay, due to his credit.

4. With these observations, the application is disposed of with liberty to the applicant to move the Tribunal again in case his retransfer to Balsar or Surat as mentioned in this order is not favourably considered. No order as to costs.

B C Gadgil

(B C Gadgil)
Vice Chairman

Contempt P. No.
20/88 for not
complying with the
judgment dated 24/12/87.