

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

~~O.A.No.~~
T.A.No.

165/87

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DATE OF DECISION 5.6.1987

Shri N.G.Randive & Anr. Applicant/s.

-

Advocate for the Applicant/s.

Versus

Union of India Respondent/s.

Shri D.S.Chopra Advocate for the Respondent(s).

CORAM:

The Hon'ble Member(A), Shri L.H.A.Rego,
The Hon'ble Member(J), Shri M.B.Mujumdar.

1. Whether Reporters of local newspapers may be allowed to see the Judgment? Yes
2. To be referred to the Reporter or not ? No
3. Whether to be circulated to all Benches? No

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

Transferred Application No.165/87.

1. Shri N.G.Randive, Catering Manager,
Nagpur Unit of the Central
Railway, Nagpur Station,
Nagpur.
 2. Shri D.P.Agnihotri, Catering Manager,
Nagpur Unit of the Central Railway,
Nagpur Station,
Nagpur.
- ... Applicants

V/s.

1. Senior Divisional Personnel Officer,
Central Railway,
Nagpur.
 2. Divisional Railway Manager
(Commercial) Central Railway,
Nagpur.
 3. General Manager, Central Railway,
Bombay V.T.
 4. Union of India, through Ministry of
Railways, Central Secretariat,
New Delhi.
- ... Respondents

Coram: Hon'ble Member(A), Shri L.H.A.Rego,
Hon'ble Member(J), Shri M.B.Mujumdar

Appearances:

Applicants in person.

Shri D.S.Chopra for
the Respondents.

Oral Judgment:-

{Per M.B.Mujumdar, Member(J)} Dated: 5.6.1987.

The applicants had filed Writ Petition No.2038 of 1982 in the Nagpur Bench of the High Court of Judicature at Bombay and it is transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985.

2. The applicants are working in the Railway Canteen of the Central Railway, at Nagpur, since 1978. Previously they were working as Catering Managers but since 1984, they are promoted as Catering Inspectors. By an Order dt. 7th June, 1982 which is at Annexure 'A' to the application, they were transferred from Nagpur to Ballarsha in Chandrapur District. Along with the applicants 7 more

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persons, were also transferred by the same order.

The applicants had made representations to the concerned authorities requesting for cancellation of the above transfer order. As they failed, the applicants filed the Writ Petition in the Nagpur Bench of the High Court of Judicature at Bombay on 21st September, 1982.

3. Their first prayer in the Writ Petition is for quashing and setting aside the order of transfer at Annexure 'A'. The second prayer is for a declaration that they and the employees similarly placed with them, can be transferred only in pursuance of the principles laid down in para 2 of Annexure 'B' to the application. Their third prayer (Prayer 'C') is for a suitable writ, order or direction for setting aside the operation of the order of transfer dt. 7th June, 1982.

4. By an order dt. 13.12.1982 the High Court has granted interim relief in terms of prayer 'C' i.e. the third prayer which we have referred to above. In view of that order of stay, the applicants are still working in the Railway Canteen at Nagpur.

5. The Respondents have ~~registered~~ the application by filing their written statement. They had ~~also~~ filed Miscellaneous Petition No.76/1987 on 5th February, 1987 in this Tribunal, either for vacating the said order or for hearing the case in March, 1987. This Tribunal by its order dt. 1st April, 1987 had refused to vacate the said order but alternative relief was granted and the case was fixed for hearing today.

6. We have just heard the applicants in person. They had requested for an adjournment on the ground that their advocate could not come today. As the

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12

matter is old and deserves to be decided as early as possible, in view of the stay order passed as long back as in December, 1982, we have rejected their request for adjournment.

7. We have heard the arguments of Mr. Chopra the Learned Advocate for the Respondents. He pointed out, that the applicants are transferable and there is nothing illegal or improper in the impugned order of transfer. Annexure 'D' is the application of applicant No.2 Shri Agnihotri, made to the Divisional Commercial Superintendent of the Central Railway, at Nagpur, requesting for cancelling his transfer to Ballarsha on the ground, that his wife was suffering from blood pressure and was under treatment at the Nagpur Medical College. In the alternative, he had requested to postpone his transfer by 6 months, so that no sooner his wife was fit to travel by train ~~then~~ he could shift her to her native place. Applicant No.1 Shri N.G.Randive stated before us that he had also made a similar application to the concerned authorities practically on the same ground, namely, that his wife was suffering from blood pressure. It may be noted that these applications were made much before the filing of the Writ Petition in the High Court. Now not only 6 months have elapsed but by taking advantage of the said order passed by the High Court, the applicants have succeeded in staying at Nagpur for more than 10 times the period for which they had requested.

8. The applicants have relied on the instructions given in a letter dt. 24th April, 1979 issued by the Railway Board, a copy of which is at Annexure 'B' to the application. After going through the instructions therein carefully, we do not think that they help the applicants

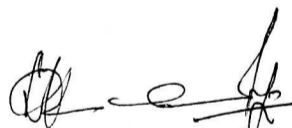
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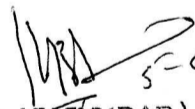


in asking for their retention at the same place forever. As already pointed out, they are at Nagpur since 1978. Hence we feel that the instructions contained in Annexure 'B' do not come in the way of the Respondents in transferring the applicants.

9. The applicants urged before us that there are some persons at Nagpur for more than 20 years. This was refuted by Mr. Chopra after taking instructions from the Officer concerned, who is present in the Court. Apart from the factual aspect, it is for the authorities to decide who should be transferred and when. This Tribunal would not be justified in interfering with such administrative matters.

10. We therefore, hold that the application is devoid of any merit. We therefore, dismiss the application, but with no order as to costs. The stay order in terms of prayer 'C' of the petition passed on 13.12.1982 stands vacated. The Respondents may implement the same Transfer Order or pass any other suitable Order as they deem fit.


(L.H.A. REGO)
MEMBER (A) 5.6.87


(M.B. MUJUMDAR)
MEMBER (J). 5-6-1987