

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 552/88

~~Ex. No. 552/88~~

198

DATE OF DECISION 24.6.1991

Mr. M.B.Bhatia & 2 Ors. Petitioner

Mr. G.S.Walia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

--- Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C.Srivastava, 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 ?

  
( U.C.Srivastava )  
V/C

(10)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

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Original Application No.552/88

M.B.Bhatia,  
C/o. Shri G.S.Walia, Advocate,  
89/10, Western Railway Employees Colony,  
Matunga Road,  
Bombay 400 019, & 2 others

... Applicants

V/s

1. Union of India, through  
General Manager, Western Railway,  
Churchgate, Bombay 400 020.

2. Senior Divisional Commercial Supdt.,  
Bombay Division, Western Railway,  
Bombay Central, Bombay 400 008.

3. Divisional Commercial Supdt. (E),  
Bombay Division, Bombay Central,  
Bombay 400 008.

4. Station Superintendent,  
Bombay Central Station,  
Bombay Division, Western Railway,  
Bombay 400 008.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava.

Appearances:

Mr. G.S.Walia, Advocate  
for the applicant.

None present for the  
respondents.

ORAL JUDGEMENT:

Dated : 24.6.1991

(Per. U.C.Srivastava, Vice-Chairman)

This application is directed against the transfer order dated 19.7.1988, a copy of which has been annexed as annexure-B to this application. The applicants who have been working in the Western Railway and have been staying in Bombay for four years vide the impugned order have been transferred to Mahim in Bombay itself. The contention on behalf of the applicants is that they have been transferred at the behest of the rival Union and

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at least 20 members belonging to that Union who have completed ten years at the Bombay Central Station have not been transferred. The name of such officials have also been given. The respondents railway administration in their written statement have denied that the transfer order has been passed at the instance of the rival Union. But they have not denied receipt of rival Union's letter dated 12.7.88, a copy of which has been annexed with this application as annexure-A. In the said letter it is mentioned that "Although promise has been given to transfer S/Shri Bhatia, ACC BCT, Mugdal and Khubchand, HBC from BCT, nothing has been heard till date." There is also no denial of the fact that the 20 members belonging to the rival Union have not been transferred. As a matter of fact it the reply it has been stated that no record as such at Bombay Central Station is still available as such it is not possible to say anything. But the circular of the Railway Board directs that from a particular station a person should be transferred normally after four years. Normally no interference should be made in the transfer matter although when the transfer is in the same city itself. Here it appears that the transfer order has not been passed in pursuance of the circular but in view of the pressure made by the Union which has not been denied. It is the right of the railway administration to transfer an employee from one station to the another station for which he is transferable. But here in the instant case obviously the applicants have been transferred at the behest of the rival Union, the members of which have been retained at the Bombay Central Station <sup>even</sup> for the last ten years.

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In view of the fact that the transfer order has been made at the behest of the rival Union retaining its members at the Bombay Central Station where they are staying for the last ten years, the transfer order is not in good faith also. Accordingly the application deserves to be allowed. The transfer order dated 19.7.88 is hereby quashed. However, it may be made clear that it is open to the railway administration to transfer the applicants in the normal course like any other employee without adopting any policy of pick and choose. There will be no order as to costs.



( U.C. Srivastava )  
Vice-Chairman