

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 696 OF 2005

[Patna, this Friday, the 18th Day of May, 2007].

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

.....
Naresh Kumar Mandal,
S/o Late Bhado & Nine Ors.

Vs.

Union of India through Divisional Railway Manager,
Eastern Railway, Maldah Division, Maldah & two Ors.

.....
Counsel for the applicants. :- Shri Umakant Prasad.

Counsel for the respondents.:- Shri R.N.Choudhary, ASC.

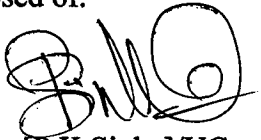
O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- This is an application for quashing of the order of transfer of the applicants from Mandar Hill Railway station which is within Bhagalpur Section of the Eastern Railway, to the Jamalpur Section of the same Railway. Though even transfer order has not been annexed, Annexure-1 relates to that and the sparing order. The contention is that a group 'C' employee cannot be transferred and secondly, the order was not passed by the competent authority. However, Rule 226 of the Indian Railway Establishment Code [Vol.I] provides that even Group 'C' & 'D' employees can be so transferred which power of the President can be exercised by the General Manager or by a lower authority to whom the power may be re-delegated. In that view of the matter it has not been clarified in the application as to how the authority who recorded order of transfer was not the competent authority, nor the learned counsel is in a position to explain that. It is admitted that the applicants have already been relieved and have joined at the place of

their transfer in the first part of the year 2004.

The transfer order having been implemented about three years back, this application would be deemed to have become infructuous.

In view of above, this application stands disposed of.



[P.K.Sinha]/VC

skj.