

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

O.A.1168/96

THURSDAY this the 2nd day of JANUARY, 1997

CORAM:

HON'BLE MR B.S.HEGDE, MEMBER(J)

M.N.Raju,
Safety Counsellor(Traffic),
Central Railway,
Nagpur.

(By Advocate Shri Punit Chaturvedi)

.. Applicant

-versus-

1. Union of India,
through
General Manager,
Central Railway,
Mumbai CSTM.

2. Sr.DPO,
Central Railway,
Nagpur.

3. Divisional Railway Manager,
Central Railway,
Nagpur.

(By Advocate Shri S.C.Dhavan)

.. Respondents

The application having been heard on 2nd January '97
the Tribunal on the same day delivered the following:

- : O R D E R : -

(Per B.S.Hegde, Member(J))

Heard Mr.Punit Chaturvedi for the
applicant and Mr.S.C.Dhavan for the respondents.
Respondents have filed a detailed reply.

2. The main contention of the learned
counsel for the applicant is that the applicant
is seniormost and as per the railway policy
seniormost person cannot be transferred, and further the
transfer is effected in the middle of the academic
year, and the applicant has got only two years for
retirement, and thus the transfer is not within the division
etc.

..2/-

fb

3. Counsel for the respondents state that the applicant has been transferred to Amla from Nagpur which is within the Nagpur Division which extends from Ballarshah to Itarsi. Respondents further submitted that Amla is an important station and there was need for posting a senior and experienced employee and since it is a safety post and the person who was working at Amla has retired voluntarily on 31-10-96 and the post cannot be kept vacant, therefore the applicant has posted. Respondents have also submitted that the applicant is not the seniormost person in the division and he is at sr.No.4 in the seniority list, accordingly he has been transferred to Amla.

4. On verification of the record it is found that the applicant is not the seniormost person and Amla comes within the Nagpur Division and the applicant will be retiring only in 1998 and he is not residing in Govt. quarters at Nagpur. In view of the above circumstance the IR granted earlier stands vacated and nothing survives in the O.A. Accordingly, we hereby direct the respondents to implement the transfer order forthwith and with this direction the OA also stands disposed of.

M


(B.S. HEGDE)
Member (J)