

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

Original Application No. 70/2000

Dated: 14.12.2000

Hansraj Yadav & Anr.

Applicants.

Shri S.P.Inamdar.

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri A.L.Kasturey

Advocate for
Respondent(s)


CORAM :

Hon'ble Shri B.N.Bahadur, Member (A).

(1) To be referred to the Reporter or not?

(2) Whether it needs to be circulated to
other Benches of the Tribunal?

X


(B.N.BAHADUR)
MEMBER (A)

B.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 70/2000.

Monday, this the 13th day of December, 2000.

Coram: Hon'ble Shri B.N.Bahadur, Member (A),

1. Hansraj Yadav and
2. Praveen Waghmare,
Electrical Foreman,
Electrical Loco Shed,
Western Railway,
Valsad - 396 001.
(By Advocate Shri S.P.Inamdar)

...Applicants.

Vs.

1. Union of India, through
The General Manager,
Western Railway, Churchgate,
Mumbai - 400 020.
2. The Chief Electrical Engineer,
Western Railway, Churchgate,
Mumbai - 400 020.
3. The Divisional Railway Manager,
Western Railway, Bombay Central,
Mumbai - 400 008.
(By Advocate Shri A.L.Kasturey)

...Respondents.

: O R D E R (ORAL) :

{Per Shri B.N.Bahadur, Member (A)}

I have heard Shri S.P.Inamdar, learned counsel for the applicant and Shri A.L.Kasturey, learned counsel for the respondents. Since the matter is simple, after hearing the learned counsels on both sides, the matter is being disposed of at the admission stage itself.

2. In this case, the two Applicants are challenging the order of transfer to Kota from Mumbai. The order is dt.17.12.1999 (Ex. 'A').

3. It is seen that the reliefs sought are as under :

"(a) that transfer order dt. 17.12.1999 annexed
A-1 thereinbe quashed and set aside;

B.N.B.

...2.

- (b) this O.A. be tagged with O.A. No.1003/1997 for hearing and final disposal;
- (c) that respondents their servants and agents be directed to continue the applicants to work in Bombay Division;
- (d) that the applicants be allowed to file joint application as the reversion order and cause of action is common to the applicants;
- (e) to pass such further and other orders as the nature and circumstances of the case may warrant;
- (f) Cost of the application be provided for;"

In fact, the learned counsel Shri S.P.Inamdar did point out that there was another Division Bench matter pending viz. OA 1003/97 which is in sine die list. Also that a third OA numbered 71/2000 is pending for admission, also before the Division Bench and has been listed for 19.1.2001.

4. In the first place, it is not clear as to why this matter is sought to be linked. Surprisingly, such a request has been made as part of relief sought in para 8 in this OA. On considering the facts, and on hearing Shri S.P.Inamdar and Shri A.L.Kasturey, I find that there is no reason as to why the consideration and disposal of this matter should await the uncertainty in which the other two OAs are placed. There is no legal reason why this should be done and hence I proceed to dispose of this matter, on merits, after fully hearing both sides.

5. The basic facts of the case are that the Applicants were selected as Junior Engineers and were being trained for posting in Kota Division. It seems, thereafter it was found that there were no adequate vacancies in Kota Division and these two applicants were posted in Bombay Division. In this connection, the order dt. 13.9.1991 (A-3) is relevant. The learned counsel

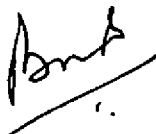
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Shri S.P.Inamdar sought to take support of para 3 of this letter, which reads as under:

"However, it will be mentioned that your posting to this place will be subject to the conditions that you will not be transferred to any other division unless you complete 10 years of service at this unit. Similarly, your request for Inter Railway Transfer also will not be considered. In case, if you are agreeable to the above terms, kindly confirm this in writing so that your case can be considered for giving you regular employment in Bombay division"

His contention was that the contents of this paragraph, in fact, provided an assurance that applicants will not be transferred to any other division for 10 years. Shri Inamdar contended that, in fact, by posting these two applicants to Kota Division the respondents are flouting their own orders. This paragraph will have to be read in terms of the total letter of which it is a part. On going through the full letter, it is seen that since there was no vacancy in Kota Division, an offer has been made to the applicants and they are being offered a posting in Bombay Division. As a part of the conditionalities attached to such offer, a point is being made that such of them who agree to join shall not be allowed to ask for any other division. This, in fact, is the tenor of the point in the above letter. It cannot be construed from a total reading of the above paragraph that the Railways are binding their own hands, as it were, to say that they will not be allowed to transfer applicants out of Bombay Division. Such a thing cannot operate as a right in Service Law, in any case.

6. True, the applicant has other grievances like his reversion and regularisation. It must be clearly stated here, that I am not dealing with any of these aspects, since they are being



...4.

agitated in separate OAs and the jurisdiction here is limited to the reliefs sought in regard to transfer.

7. Under the circumstances, I am unable to agree that any prejudice is caused to the applicant in transferring him. His other grievances, needless to say, regarding reversion etc. which are being agitated through separate OAs are not gone into.

8. Under the circumstances, this OA is hereby dismissed. No order as to costs.

B. N. Bahadur
(B.N. BAHADUR) 13/12/00.
MEMBER (A)

b.