

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No.548/2001

Dated this Thursday the 13th September, 2001.

Coram : Hon'ble Shri Justice Birendra Dikshit, Vice Chairman.
Hon'ble Shri M.P. Singh, Member (A).

Shaikh Mohammed Shakil,
working as Janitor in DRM'S Office-BCT,
Western Railway, Mumbai Central,
Mumbai - 400 008. Applicant.

[Applicant by Shri G.S. Walia, Advocate]

Vs.

1. Union of India, through
General Manager,
Headquarters Office,
Western Railway,
Churchgate,
Mumbai - 400 020.
2. Divisional Railway Manager,
DRM's Office,
Western Railway,
Mumbai Central,
Mumbai - 400 008.
3. Ghanshyam Dudeja,
DCOS-BCT,
Western Railway,
Mumbai Central,
Mumbai - 400 008. Respondents.

[Respondents by Shri Suresh Kumar, Advocate]

O R D E R (Oral)
[Per : Hon'ble Shri M.P. Singh, Member (A)]

The applicant has filed this application under Section 19 of the Administrative Tribunal's Act, 1985 seeking directions to the respondents to quash and set aside the Order dated 12.7.2001 whereby he has been transferred to Valsad.



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2. The facts of the case are that, the applicant who is working as Janitor at Bombay Central Railway Station has been transferred to Valsad by Order dated 12.7.2001. The contention of the applicant is that he has been transferred to Valsad as a measure of punishment. He has alleged that one Mr.Ghanshyam Dudeja (Respondent No.3), DCOS-BCT has been harrassing him as he did not send the Hamals and Safaiwalas to his residence for doing his house hold work. Respondent No.3 has even tampered with muster roll and marked the applicant absent which fact was reported to the Sr.Inspector of Agripada Police Station. Thereafter Respondent No.3 has managed with administration to get the transfer order issued. According to the applicant if he is transferred to Valsad he has to vacate the Government Quarter where he is residing in the said Quarter with his sick aged mother and will face certain other personal problems. Aggrieved of this he has filed this application seeking aforesaid relief.

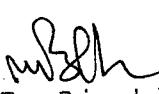
3. The respondents in their reply stated that the applicant himself has made a representation that the post of Janitor at Bombay Central is of higher responsibility where incumbents of higher grade is to be posted and the applicant being a junior has been given a strenuous task. According to the respondents the applicant has refused to accept this transfer order, therefore, the department has deputed Welfare Inspector to paste the transfer order at his residence and accordingly the order was pasted at the door of his residence. Thereafter the applicant has proceeded on medical leave. According to the respondents the applicant is under the treatment of a private doctor which is against the provisions of medical rule.

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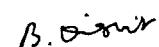
However, whether the medical certificate is to be accepted or not, it has to be decided by the authority at Valsad, where he has been transferred. It is further stated that the Respondent No.3 has nothing to do ^{with} the transfer of the applicant, as the transfer orders are issued by the Personnel Department.

4. We have heard Learned Counsel on both the sides. After hearing both the Learned Counsel and perusing the records, we are of the considered view that ends of justice would be adequately met if we direct to decide the representation of the applicant by passing a speaking, detailed and reasoned order. We accordingly issue directions to the respondents to treat this O.A. as a representation and decide the same by passing a detailed speaking and reasoned order within 4 weeks from the date of receipt of copy of this order. The applicant is directed to submit a copy of this order along with copy of the O.A. to the Sr.D.P.O. within one week from today. Thereafter the respondents shall decide the same within a period of 4 weeks. In the meantime, the operation of order dated 12.7.2001 in so far as the applicant is concerned is stayed. In case the applicant has already been relieved, the status-quo ante shall be maintained.

5. The O.A. is disposed of with the aforesaid directions. No costs.


(M.P. Singh)
M(A)

H.


(Birendra Dikshit)
V.C.