

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTYFOURTH AUGUST, 1987.

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice Chairman
Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NO.1691/1986(F)

Shri Satnam Singh
Son of Sardar Sundar Singh
Staff No.HTS/2179
aged 44 years working as
Guard 'B', South Central Railway
Castle Rock at & Post Castle Rock
Uttara Karnataka District.

... Applicant

(Shri R.U. Goulay, Advocate)

Vs.

1. Station Superintendent
South Central Railway
Castle Rock Station
Uttara Karnataka District.
2. The Divisional Operating Superintendent
South Central Railway, Hubli
District Dharwar.
3. Divisional Railway Manager
South Central Railway, Hubli,
District Dharwar.

... Respondents

(Shri M. Srirangaiah, Advocate)

This application has come up for
hearing before this Tribunal today, Hon'ble Sri P.
Srinivasan, Member (A), made the following:

O R D E R

In this application, the applicant
who was working as Guard 'B' at Castle Rock Railway
Station in Uttarakannada District, has challenged the
order dated 19-6-1986 (Annexure-D) by which he was
transferred from Castle Rock Railway Station to Ghoripuri
Station in the South Central Railway. In the
application, he has alleged mala fides against the

P. S. Puttaswamy

....2/-

Station Superintendent of Castle Rock Railway Station (R-1) under whom he was working. According to the applicant, the transfer order was passed by the Divisional Manager, Dharward (R-3) at the instance of Respondent-1. The respondents have denied the charge of mala fides in their reply, asserting that the transfer was purely on administrative grounds.

2. Shri M. Srirangaiah, learned counsel, on behalf of the respondents justified the impugned order.

3. After the matter was heard for some time, Shri Goulay, learned counsel appearing for the applicant (who was also present in the Court), submits that the applicant is ready to join at Ghoripuri Station in obedience to the transfer orders already issued. In view of this assent of the applicant, we need not go into the mala fides alleged by the applicant, or lapses on the part of the applicant ^{as} alleged by the respondents.

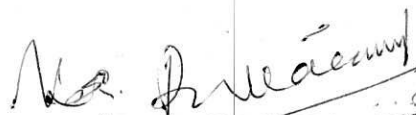
4. After hearing both the parties, we pass the following order:


- (i) The applicant will join the post of Guard 'B' at Ghorpuri immediately, in any case by 27th August, 1987. Respondents will direct the authorities at Ghorpuri to allow the applicant to join duty at Ghorpuri.

P. S. - 12

- (ii) The period between 21.6.1986 when the applicant was relieved from Castle Rock Station till the date of his joining at Ghorpuri will be treated as period spent on different kinds of leave as are admissible to the applicant under the Rules. If the Rules so permit, part of the period may also be set off against the periodical rest due to the applicant as on the date of his relief from Castle Rock.
- (iii) No disciplinary proceedings may be initiated against the applicant for not carrying out the impugned transfer order.
- (iv) Shri Goulay pointed out that if the applicant is not allotted a quarter in Ghorpuri immediately, he will not be able to shift his family to Ghorpuri. He therefore, urged that till he is allotted such quarter at Ghorpuri he may be allowed to retain the quarter allotted to him in Castle Rock. We direct the respondents to allot a quarter to the applicant as early as possible ^y at Ghorpuri and till then allow him to retain the quarter at Castle Rock.

5. The application is disposed of on the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.


(K.S. PUTTASWAMY)
VICE CHAIRMAN


(P. SRINIVASAN)
MEMBER (A)

mr.

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@@@@@@@@@@@@@@@@

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 31-8-87

APPLICATION NO 1691 /86(F)

W.P. NO

Applicant

Shri Satnam Singh

V/s Station Supdt. South Central Railway
Castle Rock, (UK) & 2 Ors

To

1. Shri Satnam Singh
Staff No. HTS/2179
Guard 'B', South Central Railway
Castle Rock at & Post Castle Rock.
Uttara Kannada District

2. Shri R.U. Goulay
Advocate
90/1, 2nd Block
Thyagarajanagar
Bangalore - 560 028

3. The Station Superintendent
South Central Railway, Castle Rock Station, Uttara Kannada District
Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

4. The Divisional Operating
Superintendent
South Central Railway
Hubli, Dharwad District

5. The Divisional Railway
Manager
South Central Railway
Hubli, Dharwad District

6. Shri M. Sreerangaiah
Railway Advocate
3, SP Buildings, 10th Cross
Cubbonpet Main Rd, B'lore

Please find enclosed herewith the copy of ORDER/~~XXXX~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said

application on 24-8-87.

Encl : as above

(3) received
copy received
M. V. Singh
Adv. 31-8.

B. V. Venkatesh Reddy
Deputy Registrar
SECTION OFFICER
(JUDICIAL)

RECEIVED
o/c Diary No. 1024/CR/10
Date: 2/9/87
31/8/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE TWENTYFOURTH AUGUST, 1987.

Present: Hon'ble Justice Shri K.S. Puttaswamy Vice Chairman
Hon'ble Shri P. Srinivasan Member (A)

APPLICATION NO.1691/1986(F)

Shri Satnam Singh
Son of Sardar Sundar Singh
Staff No.HTS/2179
aged 44 years working as
Guard 'B', South Central Railway
Castle Rock at & Post Castle Rock
Uttara Karnataka District.

... Applicant

(Shri R.U. Goulay, Advocate)

Vs.

1. Station Superintendent
South Central Railway
Castle Rock Station
Uttara Karnataka District.
2. The Divisional Operating Superintendent
South Central Railway, Hubli
District Dharwar.
3. Divisional Railway Manager
South Central Railway, Hubli,
District Dharwar.

... Respondents

(Shri M. Srirangaiah, Advocate)

This application has come up for
hearing before this Tribunal today, Hon'ble Sri P.
Srinivasan, Member (A), made the following:

O R D E R

In this application, the applicant
who was working as Guard 'B' at Castle Rock Railway
Station in Uttarakannada District, has challenged the
order dated 19-6-1986 (Annexure-D) by which he was
transferred from Castle Rock Railway Station to Ghoripuri
Station in the South Central Railway. In the
application, he has alleged mala fides against the

P. f. k.



Station Superintendent of Castle Rock Railway Station (R-1) under whom he was working.

According to the applicant, the transfer order was passed by the Divisional Manager, Dharward (R-3) at the instance of Respondent-1. The respondents have denied the charge of mala fides in their reply, asserting that the transfer was purely on administrative grounds.

2. Shri M. Srirangaiah, learned counsel, on behalf of the respondents justified the impugned order.

3. After the matter was heard for some time, Shri Goulay, learned counsel appearing for the applicant (who was also present in the Court), submits that the applicant is ready to join at Ghoripuri Station in obedience to the transfer orders already issued. In view of this assent of the applicant, we need not go into the mala fides alleged by the applicant, or lapses on the part of the applicant ~~as~~ alleged by the respondents.

4. After hearing both the parties, we pass the following order:

- (i) The applicant will join the post of Guard 'B' at Ghorpuri immediately, in any case by 27th August, 1987. Respondents will direct the authorities at Ghorpuri to allow the applicant to join duty at Ghorpuri.



P. S. - 12

- (ii) The period between 21.6.1986 when the applicant was relieved from Castle Rock Station till the date of his joining at Ghorpuri will be treated as period spent on different kinds of leave as are admissible to the applicant under the Rules. If the Rules so permit, part of the period may also be set off against the periodical rest due to the applicant as on the date of his relief from Castle Rock.
- (iii) No disciplinary proceedings may be initiated against the applicant for not carrying out the impugned transfer order.
- (iv) Shri Goulay pointed out that if the applicant is not allotted a quarter in Ghorpuri immediately, he will not be able to shift his family to Ghorpuri. He therefore, urged that till he is allotted such quarter at Ghorpuri he may be allowed to retain the quarter allotted to him in Castle Rock. We direct the respondents to allot a quarter to the applicant as early as possible at Ghorpuri and till then allow him to retain the quarter at Castle Rock.

5. The application is disposed of on the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.



-True Copy-

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
(K.S. PUTTASWAMY)
VICE CHAIRMAN

Sd/-
(P. SRINIVASAN)
MEMBER (A)

mr.

True Copy