

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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Original Application No. 713/90

Chottelal Kamalsingh & 22 ors. ... Applicants

v/s

Chief Engineer (Construction 'South',
Central Railway, Bombay V.T.
and 2 others. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr.D.V.Gangal, Advocate
for the applicant and
Mr. J.G.Sawant, Advocate
for the respondents.

ORAL JUDGEMENT:

Dated : 22.8.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicants have raised the grievance in this application that they have been sought to be transferred from construction work to open line work which according to them is prohibited under Rule 2501 of the Indian Railway Establishment Manual and this matter has been finally ruled out by the Central Administrative Tribunal, Ahmedabad Bench vide its judgement dated 30.1.1987. Similar matter came before us (Anna Kashinath & 30 ors. vs. Union of India & Ors, OA 640/90, decided on 13.8.91) in which we, after taking into consideration Rule 2501 of Indian Railway Establishment Manual as well as the decision of the Ahmedabad Bench which has not been referred to by the applicant, in which the Ahmedabad Bench itself has pointed out the distinguishing feature, we have held that the project labourer as such cannot be

transferred to another division without his consent but he can be transferred in the same division to ~~other~~ other work places. For transferring to another division obviously his consent is required and in case he consents to the same he could be transferred. We also adhere to this view and issue directions in the above terms. The application stands disposed of finally in these terms with no order as to costs.


(M.Y.Priolkar)
Member(A)


(U.C.Srivastava)
Vice-Chairman