

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 387/91

~~XXXXXXXXXX~~

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DATE OF DECISION 15.11.91

Shri Bhanudas Pundalikrao Gorale Petitioner

Mr.H.W.Harsulkar

Advocate for the Petitioner(s)

Versus

The General Manager, CR,  
Bombay VT

Respondent

None

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE U.C.SRIVASTAVA, Vice-Chairman

The Hon'ble Mr. M.Y.PRIOLKAR, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CAMP AT NAGPUR  
ORIGINAL APPLICATION NO: 387/91

Shri Bhanudas Pundalikrao Gorale,  
Sinior Signaller, C.Rly,  
Near Railway Hospital, Akola,

.... Applicant

V/s

The General Manager, C.Rly,  
Bombay VT. and ors.

.... Respondents

CORAM : HON'BLE JUSTICE MR.U.C.SRIVASTAVA, Vice-Chairman  
HON'BLE MEMBER SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance :

Shri H.W.Haisulkar, Adv  
for the applicant  
None for the Respondents

ORAL JUDGEMENT

Dated: 15.11.1991


(PER : U.C.SRIVASTAVA, Vice-Chairman)

The applicant who was serving as a Signaller at Akola was transfer<sup>red</sup> by order dated 9.6.1987 to Khandwa. The applicant has not joined at Khandwa and has questioned the transfer order issued by the Disciplinary Authority and approached to This Tribunal. According to the applicant the transfer order is a malafide and it is a consequences and activities of some other person who mobbed and created certain scene and the applicant taken as a man behind the scene. In the meantime the applicant was chargesheeted and the Departmental inquiry were proceeded. The applicant did not participated in it and telling and informing that he was sick. The departmental inquiry have not yet concluded. The inquiry too has been challenged by the applicant on the various grounds including malafide. All these questions can be raised by the applicant before the disciplinary authority ~~is~~ concerned and it is not a case in which the interference should be made at this stage. It is possible, in case the applicant succeeds in and satisfy the disciplinary authority, that he was not guilty of the charges they

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themselves exonerate and the functions of the disciplinary authority cannot be taken away by the Tribunal. So far this relief is concerned the applicant is deserved to be dismissed but with a direction that the Enquiry Officer will give fresh opportunity to the applicant to participate in the inquiry, in which he could not participate earlier up to this stage. So far the transfer order is concerned, the transfer order is passed in exigency of service. The applicant stays at Akola and has pointed out certain difficulties. It is still open for him to approach Disciplinary Authority with a representation and the Disciplinary Authority will consider his grievance. We ourselves <sup>are</sup> ~~are~~ unable to ~~our~~ <sup>that</sup> interference in the transfer order and too in the circumstances of the case. Accordingly, if the representation <sup>is</sup> filed by the applicant within 15 days to the Disciplinary Authority ~~is~~ concerned, they may consider and the same may disposed of within 3 weeks. With these two observations and directions the application is disposed of or otherwise dismissed with no order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(U.C. SRIVASTAVA)  
Vice-Chairman