

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR

St.N-38/91 (OA 465/91)

1. Narad Janbaji Ghodeswar,
2. Ashok Bhikaji Belsare
3. Dnyaneshwar Bapurao Wandhare
4. Dharāmdas Ramdas Ramteke

All residents of  
Railway Qtr. 'K',  
Near Railway Crossing,  
Chandur Railway ~~Box~~  
Dist. Amravati 444 904

.. Applicants

vs.

1. Union of India  
through  
General Manager,  
Central Railway,  
Bombay V.T.
2. The Divisional Railway Manager,  
Central Railway,  
Nagpur.
3. The Divisional Engineer(North)  
Central Railway,  
Nagpur.

... Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava  
Vice-Chairman

Hon'ble Shri P.S.Chaudhuri,  
Member(A)

Appearances:

1. Mr.R.Ahmad  
Advocate for the  
Applicant.
2. Ms.Indira Bodade  
Counsel for the  
Respondents.

ORAL JUDGMENT:

Date: 11-7-1991

Per U.C.Srivastava, Vice-Chairman

As a very short question is  
involved in this case after hearing the  
counsel for both the sides we are admitting  
this application <sup>and</sup> ~~dispos~~ <sup>ing</sup> of <sup>it</sup> finally.

2. This is an application against  
the transfer order. The applicants who are  
Gangmen have approached this Tribunal against  
their transfer from Chandur in the State of


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Maharashtra to Betul in the State of Madhya Pradesh. The applicants grievance is that they have been transferred out of turn as a result of some quarrel with the Supervisor. It is their contention that they had earlier *been* transferred and very soon they are being *u* transferred again.

3. Transfer is an incident of service and we do not propose to interfere with every transfer. But in this case we have perused the record and also found that the Supervisor has also been transferred. Learned counsel for the Railway Administration has also stated that it will be possible for the railway administration to transfer them to some place in the *State of* Maharashtra *itself*.

4. Taking into consideration the facts and circumstances of this case we direct the respondents that instead of transferring the applicants to Betul in Madhya Pradesh they may be transferred in the State of Maharashtra which may be near from the present place of posting and may not be far away from it.

5. With this observation the application stands disposed of. The earlier transfer order stands cancelled in view of our above observation and fresh transfer order may be passed *if the respondents* so desire.

  
(P.S. CHAUDHURI)  
Member(A)

  
(U.C. SRIVASTAVA)  
Vice-Chairman

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, CAMP AT NAGPUR.

C.P. 64/91 sm  
O.A. 465/91.

1. Narad Janbaji Ghodeswar,
2. Ashok Bhikaji Belsare,
3. Dnyaneshwar Bapurao Wandhare
4. Dharamdas Ramdas Ramteke

All residents of  
Railway Qtr. 'K',  
Near Railway Crossing,  
Chandur Railway,  
Dist. Amravati 444 904.

.. Applicants.

Vs.

1. Union of India, through  
General Manager,  
Central Railway,  
BOMBAY V.T.
2. The Divisional Railway Manager,  
Central Railway, Nagpur.
3. The Divisional Engineer (North),  
Central Railway, Nagpur.

.. Respondents.

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

Appearances :

1. Mr.D.B. Walthare,  
Advocate for the applicant.
2. Mrs. Indira Bodade, Counsel  
for the Respondents.

ORAL JUDGMENT :

Dated : 10.3.1992.


[ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman ]

In this application the Contempt of Court Petition  
has been filed by the applicants. The applicants have come  
forward to this Tribunal on the order passed by this Tribunal  
which has not been complied with.

O.A.465/91.

2. The applicant who was posted at Chandur Railway Station was transferred to Betul. The applicant has challenged the said order and this application was allowed and the directions was given that he may be transferred in the State of Maharashtra which may be near from the present place of posting and may not be far away from it and it was also observed that the fresh transfer order may be passed if the respondents so desire. The respondents subsequently passed an order transferring the applicants to Hinganghat Railway Station which we are informed <sup>is</sup> within the distance of 50 Kms. from Chandur Railway Station. The applicants contended that the order passed by the Tribunal has not been complied with in fact inasmuch as they have been posted at the place which may <sup>not</sup> be near to Chandur. It is for the concerned ~~of the~~ <sup>not</sup> transferring authority to transfer <sup>them</sup> at the suitable place. <sup>7</sup> They <sup>4</sup> have been transferred in the State of Maharashtra <sup>Hinganghat</sup> itself and ~~Chandur~~ <sup>at</sup> Railway Station which is at distance of 50 Kms. from Chandur and employee cannot have his full choice in the matter of transfer and it cannot be said that the orders or directions issued by the Tribunal has not complied with. They could have been transferred to a place which was nearer to Chandur and Hinganghat but it is for the respondents to do or not to do so. It is still open for the applicants to approach the Respondents to transfer them to nearer place and merely because he has been transferred to another place it cannot be said that ~~in his~~ <sup>a</sup> clear case under Contempt of Court Act has been made out and accordingly the application is dismissed.

  
( M.Y. PRIOLKAR )  
MEMBER (A).

  
( U.C. SRIVASTAVA )  
VICE CHAIRMAN.