

(8)

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

CP 64/91 fm

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 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 infact inasmuch as they have been posted at the place which may be near to Chandur. It is for the concerned ~~the~~ transferring authority to transfer ^{not} ~~them~~ at the suitable place. They have been transferred in the State of Maharashtra itself and ~~Chandur~~ Hinganghat Railway Station which is a 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~~ 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.