

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **29 NOV 1994**

APPLICATION NO: 748 of 1994.

APPLICANTS:- Sri.Amiruddin Sarwar,
V/S.

RESPONDENTS:- The General Manager, South Central Railways,
Secunderabad and Others.


To

1. Sri.M.S.Anandaramu, Advocate, No.27,
Chandrashekar Complex, First Floor,
First Main, Gandhinagar, Bangalore-9.
2. Sri.N.S.Prasad, Advocate, No.29,
Fifth Main, Gandhinagar, Bangalore-9.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 16th November, 1994.

ok
Issued on 29/11/94
Gph


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION NO.748/1994

WEDNESDAY, THIS THE 16TH DAY OF NOVEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Sri Amiruddin Sarwar,
S/o Shaik Mohd. Sarwar,
aged about 56 years,
Working as Deputy Station
Superintendent, South Central
Railway, Gadag, Dharwad District
and residing at Railway Qtrs.,
No.55/B, Gadag - 582 101.

... Applicant

(By Advocate Shri M.S. Anandaramu)

Vs.

1. The General Manager,
South Central Railway,
Secunderabad.

2. The Divisional Railway Manager,,
Divisional Office, Personnel Branch,
South Central Railway, Hubli.

3. The Senior Division Personnel Office,
Divisional Office, Personnel Branch,
South Central Railway, Hubli.

... Respondents

(By Advocate Shri N.S. Prasad,
Standing Counsel for Railways)

ORDER

I have heard Shri M.S. Anandaramu for the applicant and Shri N.S. Prasad for the respondents Railway Administration. This is just a case of transfer from one place to another, but, the applicant complains that he has been tossed about like a soccer ball for no fault of his.

2. I am told the applicant was posted to Gadag in February, 1993 at his request from Kirloskarwadi and he has now been shifted

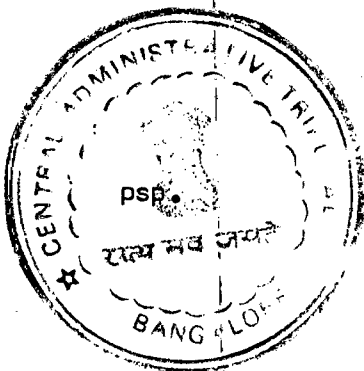
...2..



from Gadag back to Kirloskarwadi in November, 1993. The applicant faults the administration and maintains that the transfer is solely unjust, untenable and that apart, it affects his family in that his children being at schools in Gadag, his untimely toss up from Gadag to Kirloskarwadi would seriously affect, if not anything else, atleast the education of his children. On that ground, he obtained a stay of his ejection from the official quarters at Gadag. I am told, he still continues to occupy the official quarters, although working in Kirloskarwadi pursuant to the order of transfer. He is now aggrieved by this transfer order tossing him back to Kirloskarwadi from where he had been shifted to Gadag just a few months earlier. The department in its statement maintains that it had no option but to shift the applicant from Gadag back to Kirloskarwadi because there were a lot of complaints against the applicant. They could not afford to keep the man at Gadag against the complaints and face the wrath of the commuters. Today, I have been shown a plethora of material indicating that there had been a number of complaints towards the manner the applicant had been behaving at Gadag. The applicant appears to be himself responsible for his transfer from Gadag to Kirloskarwadi since he had evoked hostile remarks by the staff and public at Gadag. That situation might not have developed at all if he had developed a good rapport with one and all. It is clear because of his bad public relations at Gadag, the transfer had to be effect and it was in public interest. As a matter of fact, the applicant could have been in a worse position if the department had chosen to take departmental action. He should be thankful to the department for not having taken such a step and instead had taken the more kindlier step of throwing him back to Kirloskarwadi. On the strength of the interim order applicant is continuing in the quarters for more than one year and Shri Anandaramu says that the applicant's children are

attending various schools in Gadag and therefore whatever be the fate of the applicant, his children should not be made to suffer and hence he should be allowed to retain the quarter till the end of the current academic year. I agree. While, I dismiss this application as being without any substance. I direct the Railway Administration to permit the applicant to continue in the quarters at Gadag till the end of the current academic year. In other words, the applicant will be permitted to continue in the official quarters till the end of June, 1995. Shri Anandaramu says that his client is hardpressed to continue at Kirloskarwadi without his family and therefore wants a shift back to Gadag. This is a matter for the Railway authorities to consider, subject however to a representation being made by the applicant which may be considered as fittingly as possible. No costs.

Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore