

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 838/93

XXXXXXXXXXXXXXXXXXXX

DATE OF DECISION 19.8.93

Shri Ananda Shripat Zende Petitioner

Shri P. Naidu Advocate for the Petitioners

Versus

Union of India and others Respondent

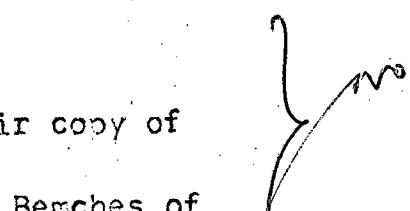
Advocate for the Respondent(s)

COURT:

The Hon'ble Shri M.Y.Priolkar, Member (A)

The Hon'ble Shri

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 ?


(M.Y.PRIOLKAR)
Member (A)

NS/

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(3)

Original Application No. 838/93

Shri Ananda Shripat Zende

... Applicant.

V/s.

Union of India
Through The General Manager
Central Railway
Bombay.

Divisional Railway Manager
Personnel Branch
Bombay VT, Bombay.

Senior Divisional Engineer
Central Railway
Bombay VT, Bombay.

Senior Divisional Personnel
Officer
Central Railway,
Bombay VT, Bombay.

Labour Enforcement Officer
Central Railway
Pune.

Mr. M.D. Golunjkar
Chief Inspector of Works (M)
Central Railway,
Pune.

CORAM: Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance

Shri P. Naidu, counsel
for the applicant.

ORAL JUDGEMENT

DATED: 19.8.93

{ Per Shri M.Y. Priolkar, Member (A) }

*Corrected
as 12/6/93
vide order
dated 13/11/93
in m/p 934/93*
This application has been filed against
the order dated 17.6.92 passed by Respondent No.4
transferring the applicant from Pune to Byculla, Bombay.

The only grounds advanced by the learned
counsel for the applicant for challenging this transfer
order are, firstly, that the applicant is a scheduled caste
employee and there are instructions that scheduled caste
employees should not be transferred, and secondly this
is a malafide order merely to accommodate one Shri
Golunjkar at Pune.

Learned counsel for the applicant admits that the applicant is working for most of his services period at Pune. He was appointed at Pune. He is a transferable employee. In any case the general instructions do not exempt the scheduled caste employees from transfer but only direct that they should not be transferred frequently. Since it is not the case of the applicant that he is being transferred frequently, I find no substance in the first contention. The second contention of the applicant is that he is transferred only to accommodate one Shro Golunjkar. The only ground for alleging malafides is that Shri Golunjkar had been appointed against the post vacated by the applicant. There is no evidence advanced to connect the two facts. The applicant also alleges that he has been harrased with the assistance of Union activists at the instance of Shri Golunjkar only because the latter has failed in the departmental competitive examination and that an instance in which a Railway quarter occupied by a Trade Union worker required some attention which was delayed is being exploited against the applicant. Even this allegation is without any evidence. The charge of malafides should be fully substantiated. In my view, the applicant has neither shown any statutory rule which has been violated by transferring him nor has substantiated the allegation of malafides. The application is, accordingly, dismissed summarily as devoid of merit, with no order as to costs.


(M.Y.PRIOLKAR)
MEMBER (A)

(5)

O.A. 838/93
Dated 13-12-93

None for the original applicant.

Shri S.C.Dhawan for the respondents.

This M.P. has been filed by the respondents (Union of India) for correction of typographical error in the judgement dated 19.8.93 in O.A.838/93. The respondents state that they have noticed the typographical error in the judgement in Para No.1, namely that instead of the impugned order which should be dated 17-6-93, it had been mentioned as 17-6-92. I have perused the O.A. In para 1, the applicant states that he has challenged the order dated 17-6-93 passed by the respondent No.4 transferring the applicant from Pure to Byculla, Bombay. A copy of the impugned Office Order is placed at Page 9 of the O.A. and is also dated 17.6.93.

In view of the above facts the M.P. is allowed. The Registry is directed to carry out the necessary corrections in the judgement/order dated 19-8-93 in O.A. 838/93 so as to correct the first paragraph, line 2 to read as Order dated "17-6-93" instead of "17-6-92".

Learned counsel for the respondents has also submitted that he may be furnished a copy of the O.A. as the matter was disposed of at the admission stage itself without giving notice to the respondents. This prayer is allowed.

A copy of the corrected judgement/order dated 19-8-93 may be furnished to the parties, together with a copy of the O.A. to the respondents.

Dasti.

Smt. L. Swaminathan
(Smt. L. Swaminathan)
Member (J)

RCI
11/12
Series