

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR

BENCH JAIPUR.

O.A.NO. 995/92 : Date of order: 20.5.93

Prem Singh : Applicant.

Mr.J.K.Kaushik : Counsel for the applicant.
VERSUS

Union of India & Ors. : Respondents.

Mr.Manish Bhandari : Counsel for the respondents.

CORAM:

PER HON'BLE MR.GOPAL KRISHNA, JUDL.MEMBER

Applicant Prem Singh has filed this application under Section 19 of the Administrative Tribunals Act, 1985, (for short, the Act) challenging the impugned order dated 21.8.1989, whereby he was transferred from Idgah to Bharatpur.

2. The facts of the applicant's case are as follows, Applicant Prem Singh was holding the post of Gangman in Gang No.14 under the Permanent Way Inspector, Idgah (Agra) Western Railway. It is alleged that the respondent No.3 bore ill-will against him and it was at his instance that the order of suspension was issued and the applicant was placed under suspension. It is further alleged that the respondents No.3 had persuaded the concerned authority to transfer the applicant from Idgah to Bharatpur only with a view to causing harassment to the applicant and the members of his family. It is also stated that the order of transfer was passed in violation of the instructions contained in a circular of the Railway Board dated 25.3.1967, and that the same was passed as a measure of punishment without issuing any charge-sheet to him.

GKMS

3. The application has been resisted by the respondents. It has been stated by the respondents that when orders of revocation of suspension and transfer along-with transfer pass were being given to the applicant, he ran away from the office without acknowledging the same with the office records of all these documents. It has also been stated by the respondents that the orders of the Railway Board referred to above have no bearing on the case as the present transfer from Idgah to Bharatpur was not from one Railway to the other or from one Division to another Division. It was within the sub-division and as such there was no violation of the aforesaid circular of the Railway Board.

4. I heard the learned counsel for the parties and perused the records.

5. Now it is to be seen whether the impugned order of transfer was passed in violation of any Statutory Rules or the same is vitiated by malafides. The applicant has alleged malafides against the respondent No.3. It is urged that the respondent No.3 the then Permanent Way Inspector (II) at Idgah manipulated the order of transfer which was issued by the Assistant Engineer. It cannot be swallowed that a Permanent Way Inspector could be in such a dominating position as to influence an Assistant Engineer to pass the impugned order of transfer.

Chikhi

The order of suspension was unquestionably revoked on 13.8.1993 vide Annexure A/6. After the order of suspension was revoked the impugned order of transfer was passed posting the applicant not at Idgah but at Bharatpur. The transfer of the applicant was made within the Sub-Division i.e., within AEN BTE's jurisdiction. It transpires that the applicant was transferred in the interest of Administration. I do not find any illegality in the impugned order of transfer. The transfer is not punitive in nature.

6. In view of the above discussion, this application does not stand on merits and the same is dismissed. No order as to costs.

G.Krishna 20-5-93
(GOPAL KRISHNA)
Judl. Member

Anil