

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 870/92
(OA 232/90)

: Date of order 28.7.94

Bhikhu Bha & Others : Applicants

Vs.

Union of India & Others : Respondents

Mr. J.K. Kaushik : Counsel for the applicants

None : For the respondents.

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Hon'ble Mr. Gopal Krishna, Member (Judicial)

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

Applicants S/Shri Bhikhu Bha, Babu Bha, Banraj, Jaggu Bha, Gulab Singh, Dinesh, Ruda, Heera, Dev Ram, Natha, Khema and Virji have filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the impugned order dated 18.5.90 (Annexure A-1) passed by the respondent no. 2 transferring them from Nasirabad to Bhilwara may be declared illegal and the same may be quashed and the applicants may be granted all consequential benefits. It is further prayed that the respondents may be directed to send the applicants to their parent division i.e. Rajkot Division for purposes of regularisation as per their seniority.

2. None is present on behalf of the respondents. I have heard the learned counsel for the applicants and have gone through the records of the case carefully.

3. The applicants were initially appointed in the Rajkot Division of the Western Railway as Gangmen on different dates mentioned against their names in para 4(1) of the application. They were transferred to Bhilwara and after a month they were sent to Nasirabad in the Ratlam Division. The applicants are aggrieved by the order (Annexure A-1) dated 18.5.90 by which they have been transferred from Nasirabad to Bhilwara. The respondents' contention is that

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the impunged order is not an order of transfer as the applicants were merely directed to go to the place of work because they had been engaged on new construction work and such an order cannot have the effect of transferring them. The learned counsel for the applicants have already been regularised as Gangmen in the Ratlam Division at Nasirabad. The applicants are ^{still} working at Nasirabad. The learned counsel for the applicants further submits that in spite of the interim direction issued on 5.6.90, the applicants were ^{then} not taken on duty. If the applicants have not been paid salary for the period during which they had not worked, they are at liberty to file a separate application, if so advised.

4. This application is, therefore, dismissed as having become infructuous. No order as to costs.

G. Krishna
(GOPAL KRISHNA)
MEMBER (J)