

A 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

.....
Date of Decision: 19.10.1993.

OA 584/93

VISHAMBAR DAYAL

... APPLICANT.

v/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI YOGESH GUPTA.

For the Respondents ... NONE.

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

The applicant, Vishambar Dayal, has moved this application u/s 19 of the Administrative Tribunals Act, 1985, praying therein for quashing the order of transfer at Annexure A-1 dated 23.8.1993.

2. We have heard the learned counsel for the applicant and perused the records.

3. The averments of the applicant are that the applicant while holding the post of E.S.M.III at the Railway Station, Idgah (U.P.), was transferred to Kishangarh (Phulera Section) on the same post in spite of the fact that his father is an old man of 95 years and he is residing at Tundla and that his transfer to Kishangarh (Ajmer) may disrupt his social life and liabilities which he has to discharge. It is also stated that the respondent No.5 managed the applicant's transfer to Kishangarh as the applicant had made complaints to the higher authorities against his misbehaviours, mal-practices and corruption. The applicant has to look-after

GK/lnr

his blind and ailing father at Tundla from Idgah and it shall not be possible for him to attend upon his blind father from Kishangarh (Ajmer) due to the distance of Kishangarh from Tundla. The applicant has challenged the order of transfer mainly on the ground of personal inconveniences and the learned counsel for the applicant wants that the representation, which the applicant had made to the Divisional Signal and Telecommunication Engineer, Western Railway, Jaipur, should be decided with due sympathy having regard to the personal inconveniences of the applicant.

4. We, therefore, dispose of this OA with the following directions ;

- i) The respondent No.4 shall decide the representation at Annexure A-5 dated 2.9.1993 with due sympathy having regard to the personal inconveniences of the applicant as per rules and instructions on the subject within a period of one month from the date of receipt of a copy of this order.
- ii) However, the applicant shall be at liberty to file a fresh OA after a decision is taken on his representation, if he is aggrieved by it.

(O.P. SHARMA)
MEMBER (A)

Gopala
(GOPAL KRISHNA)
MEMBER (J)