

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR

O.A. No. 207/93

Dt. of order: 8.10.'93

Baldev Kanogia : Applicant

Vs.

Union of India & Ors. : Respondents

Mr. V.K. Mathur : Counsel for applicant

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice Chairman.

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

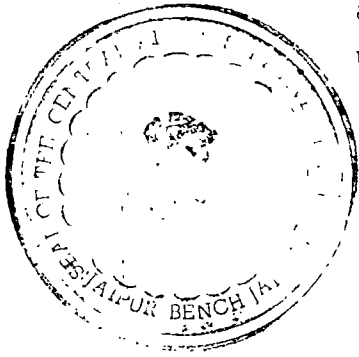
The applicant ^{was} appointed as Khalasi in Loco running Shed, Western Railway, Ajmer Division, w.e.f. 15.5.1986 and at present working as Senior Khalasi at Loco Running Shed, Western Railway, Ajmer. The applicant has been transferred from Ajmer to Ranapratapnagar vide order dated 19.11.92 (Annex A-2).

2. The applicant has challenged the transfer order on the ground that it is mala fide. He has taken further ground that the persons of Scheduled Castes/Scheduled Tribes cannot be transferred under the law unless there are compelling reasons for transferring them.

3. I have perused the order Annex A-2. Number of persons have been transferred from Loco Running Shed, Ajmer, only for the reason that the Loco Running Shed was closed for steam work and as such the applicant alongwith other employees of the Loco Running Shed were required to be transferred elsewhere where vacancy exists so that they are adjusted. Thus the reasons given by the respondents are valid for the transfer and it cannot be said that the transfer order is bad. However, it is observed that the respondents will re-examine the case of the applicant and if he can be posted nearby Ajmer then the policy of posting persons of SCs/STs near their home district will be effected and there will not be any violation of it.



In case the vacancy occurs at Ajmer the cases of the affected persons of SCs/STs may be considered for retransferring them at Ajmer and at the same time the work is started then the case of the applicant may also be considered in the light of the various circulars. With this observation the O.A. is disposed of. Parties to bear their own costs. The stay order already granted shall stand vacated.



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[Signature]
 Section Officer (Admission)
 Central Board of Secondary Education
 Jaipur Bench

[Signature]
 (D.L.Mehta)
 Vice Chairman.