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CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. 23/1993

Date of order : 13.1.1993

GHYAN SHYAM SHARMA

... Applicant.

Mr. Predeep Singh

... Counsel for the applicant.

VERSUS

UNION OF INDIA & ORS. ... Respondents.

CORAM :-

HON'BLE MR. GOPAL KRISHNA, JUDL. MEMBER

Applicant, Ghyan Shyam Sharma, has filed this application under Section 49 of the Administrative Tribunals Act, 1985, against the order dated 22.12.1992 Annexure-A/1 transferring the applicant to Bombay on the post of a Waiter from the Jaipur unit to the Bombay Central Unit, Bombay.

2. I have heard the learned counsel for the applicant.

3. The facts of the case are as follows :- The applicant is a substantively appointed and confirmed waiter of the Western Railway. He has been posted as Waiter in the Jaipur Division under the Administrative Control of the A.C.S. (Cat.), Catering Department, Western Railway, Jaipur, since 9th December, 1987. It is urged on behalf of the applicant that the seniority of the waiters is maintained division wise and since the applicant has been transferred from the Jaipur unit to the Bombay Central Unit vide the impugned order, his seniority might be adversely affected. It is also urged that the applicant has been transferred from the Jaipur Unit with a view to accommodating the respondent no.4. The impugned order has been challenged on the ground of mala fides. However, the applicant does not want to press this application on merits and instead he wants to make a representation to the competent authority for sympathetic consideration.

CpKshtr

(3)

4. In view of the peculiar circumstances of the case this O.A. is disposed of with the following directions :-

I. The applicant shall submit a representation to the competent authority within a week from today and it shall be disposed of with due sympathy through a speaking order in accordance with rules, instructions and guidelines on the subject within a month of this order.

II. The applicant shall not be relieved from the post of Waitor in the Jaipur division till the disposal of the aforesaid representation, if he has not already been relieved.

III. The applicant shall be at liberty to file a fresh O.A. after the disposal of his representation, if he so chooses.

IV. No order as to cost.

G.Krishna 13.1.93
(GOPAL-KRISHNA)
Judi. Member

Snashi/