
Date of Decision: 29.11.94.

OA 553/94

ARJUN DAS AINNANI

... APPLICANT.

V/s.

UNION OF INDIA & ANR.

... RESPONDENTS.

CORAM:

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

HON'BLE MR. B.N. DHOUNDIYAL, MEMBER (A).

For the Applicant

... SHRI S.K. JAIN.

For the Respondents

... NONE.

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

Applicant Arjun Das Ainnani has, in this application u/s 19 of the Administrative Tribunals Act, 1985, challenged the order of transfer dated 18.10.94 (Annexure A-1), by which he was transferred from Agra Fort to Lakheri on the post of Head Booking Clerk.

2. We have heard the learned counsel for the applicant. The notices issued to the respondents have already been served since a Vakalatnama has been filed on their behalf, but none is present today on their behalf.

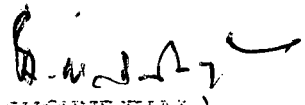
3. The transfer order has been assailed mainly on the ground that the applicant being the Joint Secretary of the Western Railway Madoor Sangh, Agra Fort, was picked for transfer from Agra Fort to a distant place without any exigency of service and without any administrative reason. It is also contended that he could not be transferred without the consent of the Trade Union and without due notice to the Union in terms of a circular of the Western Railway dated 29.4.93, which has been taken on record. The applicant has already made a representation to the concerned authority vide Annexure A-2 dated 26.10.94.

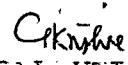
4. In the circumstances, we direct the respondents to examine the representation of the applicant and dispose of the

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same in accordance with the rules, instructions and guidelines on the subject within a period of one month from the date of receipt of a copy of this order. The respondents are further directed not to give effect to the impugned order of transfer till a decision is taken on his representation.

5. The OA stands disposed of as above, with no order as to costs, at the stage of admission.


(B.N. DHOUNDIYAL)
MEMBER (A)


(GOPAL PRISHNA)
MEMBER (J)