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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 16.3.1999

OA 6/99

Kana Ram s/o Shri Dula Ram r/o Village Haspur, Via Srimachopur, Distt. Sikar.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur.
3. Assistant Engineer (North), Western Railway, Jaipur.
4. Permanent Way Inspector, Western Railway, Kanwat, Distt. Sikar.
5. Girdhari s/o Shri Laxman, RGK No.5 under PWI, Western Railway, Kanwat, District Sikar.
6. Kuldeep Singh Mehla, PWI-II, Western Railway, Srimachopur, Distt. Sikar.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. Ajay Gupta

For the Respondents

... Mr. R.G. Gupta

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Kana Ram, in this application under Section 19 of the Administrative Tribunals Act, 1985, has challenged the order dated 30.11.98, at Annexure A-1, by which he was transferred from Gate No.96 as Gateman to RGK No.5 as a Reserve Gateman.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. The grievance of the applicant is that the impugned order of transfer was passed with mala fide intention to cause harassment to the applicant. It is also stated that respondent No.6 bears illwill against the applicant and he had made a false complaint against him to the effect that on checking the gate in the night, on 30.7.98, it was found that the gate was open and the applicant was sleeping. The aforesaid order of transfer is merely an outcome of the illwill of respondent No.6 against the applicant. It is also urged that the applicant can be transferred from one gate to another gate as a Gateman but he should not have been transferred and posted as a Gangman. The respondents have, on the other hand, stated that the performance of the applicant at Gate No.96 was not satisfactory and the present transfer had become necessary for administrative reasons in view of the lethargic and negligent acts of the

C.K. Singh

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applicant. It is also stated that there were several complaints against the applicant from public regarding his negligence. It is urged on behalf of the applicant that the applicant had met with an accident and he had sustained multiple injuries. It is borne out by the reply of the respondents that respondent No.5 has already joined at Gate No.96 in compliance with the order in question. The contention of the respondents is that the transfer of the applicant from Gate No.96 to RGK No.5 vide the impugned order was made for administrative reasons. The applicant has six daughters, who are studying in the village to which he belongs. His parents are old. He is a poor person and belongs to Scheduled Caste community.

4. Taking into consideration all the facts and circumstances of the present case, this application is disposed of with a direction to respondent No.3 to consider posting the applicant as a Gateman at any other gate near Gate No.96 as expeditiously as possible. The applicant shall report to respondent No.3 within three days from the date of this order. No order as to costs.

CKR
(GOPAL KRISHNA)
VICE CHAIRMAN

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