

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, (12)

JAIPUR

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Date of decision: 19-12-1995

OA No. 234/95

Pritam Lal Mendiratta

.. Applicant

VERSUS

Union of India and others

.. Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

.. Mr. R.P. Malik

For the Respondents

.. Mr. M. Bhandari

ORDER

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant Pritam Lal Mendiratta in this application under section 19 of the Administrative Tribunals Act, 1985, has challenged the impugned order dated 26-5-95 at Ann.A1 by which he was transferred from Ajmer where he was posted as Confidential Assistant, to Jaipur as a Personal Assistant, as being arbitrary, discriminatory etc.

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

3. The contention of the learned counsel for the applicant is that since a policy decision was taken by the General Manager, Western Railway vide letter dated 28-12-90 according to which the element of posts against which a railway servant is promoted may be floated to the extent of 10% of the cadre and keeping in view the fact that the applicant was due to retire on 30-6-96, he should not have been picked for transfer to Jaipur from Ajmer. It has also been contended that a vacancy had occurred at Ajmer Division on 1-7-95 but the applicant was not adjusted against the same. The applicant is at the fag end of his service

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career and the counsel for the applicant has urged that his transfer to Jaipur at this juncture, may disturb his family life and may delay the payment of settlement dues and other retirement benefits. It has also <sup>been</sup> contended that the spouse of the applicant is working as a teacher at Ajmer under the State Government and in the circumstances the transfer is in violation of the policy laid down in Annexure-A7 dated 28-12-90 and Annexure-A8 dated 28/29-8-91. The learned counsel for the applicant has stated that a vacancy has arisen at Ajmer on 13-12-95 against which the applicant can be conveniently adjusted.

4. No reply has been filed on behalf of the respondents. The contention of the respondents is that the policy <sup>the</sup> guidelines contained in Annexures referred above are merely directory and there is no vested right for the applicant to remain at Ajmer. The second contention of the respondents is that transfers are made on the basis of the priorities in the name noting register.

5. It is an undisputed fact that the applicant is due to retire on 30-6-96. In view of this fact and other difficulties stated by the applicant in the application, we direct the respondents to consider the applicant's case for re-transfer to Ajmer as and when a vacancy occurs at Ajmer. The OA is disposed of accordingly with no order as to costs.

(O.P. Sharma)  
Member (A)

C. Krishna  
(Gopal Krishna)  
Vice-Chairman