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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 238/95 : Date of order 13.7.95

Chunnilal S/o Shir Onkar Holi, Saloon Attendant under Carriage & Wagon Depot, resident of Railway Quarter No. 1649-B, Kasari Nari Railway Colony, Ramganj, Ajmer.

... Applicant

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Ajmer.
3. Senior Divisional Mechanical Engineer, Western Railway, Ajmer.

... Respondents.

CORAM

Hon'ble Mr. O.P. Sharma, Member (Administrative)
Hon'ble Mr. Rattan Prakash, Member (Judicial)

For the Applicant ... Mr. S. Kumar
For the Respondents ... ---

O R D E R

(PER HON'BLE MR. O.P. SHARMA, MEMBER (ADMINISTRATIVE))

In this application u/s 19 of the Administrative Tribunals Act, 1985, Shri Chunnilal has prayed that the order dated 21.4.95 (Annexure A-1) transferring the applicant from Ajmer to Gandhidham may be cancelled and the respondents may be directed to post the applicant at Ajmer in any category of artisan in the Carriage and Wagon Department or any other Department.

2. The applicant's case is that he was initially appointed as Khilasi on 13.12.71 at Sojat Road and on mutual transfer with another employee, he came to Ajmer in 1988, where he remained posted till the passing of the order Annexure A-1 dated 21.4.95. He is a scheduled caste employee, and has a large family to support and is also unwell. Order (Annexure A-1) transferring him from Ajmer to Gandhidham had been passed though it has not been communicated to him. He had alleged that the transfer order is mala fide inasmuch

it has been passed on account of his not agreeing to perform some unpleasant duties of a personal nature assigned to him by respondent no. 3. His children are studying at Ajmer in Hindi Medium and it would be difficult for them to study in Gujarati medium at Gandhidham.

3. Respondent no. 3 has not been made a respondent in this application by name. No cognizance be therefore taken of the allegations of a personal nature made against him and the allegations of mala fide action on his part. The learned counsel for the applicant states that the applicant had submitted a representation (Annexure A-3) dated 23.4.95 to the Divisional Railway Manager, respondent no. 2, against his transfer and this representation is still pending. He prays that respondent no. 2 may be directed to take appropriate decision on the representation submitted by the applicant against his transfer to Gandhidham.

4. In these circumstances, we direct the Divisional Railway Manager, who is respondent no. 2 to take decision on merits on the representation (Annexure A-3) dated 23.4.95. Let a copy of the paper book be sent to respondent no. 2 alongwith the copy of this order.

5. The OA is disposed of accordingly at the admission stage.


(PATTAN PRAKASH)
MEMBER (J)


(O.P. SHARMA)
MEMBER (A)

AHO.