

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 240/95

: Date of order 13.7.95

Purshottam Dass Sharma S/o Shri Pooran Chand Sharma,
Painter Carriage and Wagon Department, Ajmer, resident
of Seth Janna Dass Ka Bara, Nagra, 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.

CO RAM

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 Tribunal Act, 1985, Shri Purshottam Dass Sharma has prayed that order dated 22.5.95 transferring the applicant from Ajmer to Gandhidham may be cancelled and the respondents may be directed to promote the applicant as Painter Grade II at Ajmer on the date of issue of promotion orders.

2. According to the applicant, he was initially appointed as Khallasi on 17.9.67, was promoted as Painter Grade III in 1987 and was transferred to Ajmer in 1988 at his own request. Vide representation dated 15.5.94 (Annexure A-2), the applicant had pointed out some irregularities and instances of injustice to respondent no. 2, Divisional Railway Manager, Western Railway, Ajmer, and had requested him to allot only legitimate work of Painter. He came to know that an order dated 22.5.95 (Annexure A-1) had been passed transferring him from Ajmer to

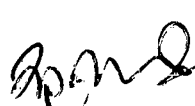
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Gandhidham on promotion as Painter Grade II, but the order has not been communicated to him so far. The applicant is a Scheduled caste employee. The applicant is entitled as per the policy framed by the Railways to be posted at the same station from where he has been promoted. This has been done in the case of some other employees. The applicant's son is a heart patient and he would not be able to adjust himself to the climate at Gandhidham. The respondent no. 3 is in the habit of extracting undue work from his subordinates and harrassing employees and, therefore, in order to harass to the applicant, he has transferred him from Ajmer to Gandhidham although there is no requirement of Painter Grade II at Gandhidham. The applicant has also submitted a representation (Annexure A-7) dated 23.5.95 against his transfer regarding which the applicant has heard nothing so far.

3. The respondent no. 3 against whom allegations of mala fide action have been made has not been made a respondent in this application by name. Therefore, no cognizance can be taken of such allegations. The learned counsel for the applicant states that instead of pressing this application on merits, the applicant would like his representation (Annexure A-7) dated 23.5.95, which is still pending to be decided by the Divisional Railway Manager, Ajmer, respondent no. 2, on merits.

4. In these circumstances of the present case, we direct respondent no. 2 to take a decision on the representation (Annexure A-7) on merits. Let a copy of the paper book along with the copy of this order be sent to respondent no. 2 for necessary action.

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


(RATTAN PRAKASH)
MEMBER(J)


(O.P. SHARMA)
MEMBER(A)

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