

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00634/2016

DATE OF ORDER: 05.08.2016

CORAM

HON'BLE MS. MEENAKSHI HOOJA, ADMINISTRATIVE MEMBER

Smt. Munni Burman (Manorama Burman) wife of Shri Murlidharan, aged about 58 years, R/o House No. 1, Road No. 7, Krishna Nagar, Near Bajrang Nagar, Kota and presently working as Chief Matron, under Chief Medical Superintendent, Railway Hospital, Kota, West Central Railway, Kota Division, Kota.

....Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, West Central Zone, West Central Railway, Jabalpur (M.P.).
2. Chief Medical Director, West Central Zone, West Central Railway, Jabalpur (M.P.).
3. Additional Divisional Railway Manager, West Central Railway, Kota Division, Kota.
4. Chief Medical Superintendent, Railway Hospital, Kota, West Central Railway, Kota Division, Kota.
5. Dr. Anil Upadhyaya, Additional Chief Medical Superintendent, Railway Hospital, Kota, West Central Railway, Kota Division, Kota.
6. Dr. Manisha Sharma, Divisional Medical Officer, Railway Hospital, Kota, West Central Railway, Kota Division, Kota.

....Respondents

ORDER

The matter relates to transfer in the Railways.


2. Counsel for the applicant submits that vide order dated 22.07.2016 (Annexure A/1), the applicant has been transferred from Railway Hospital, Kota to Health Centre, Shamgarh on temporary basis and on the very same day by order dated 22.07.2016 (Annexure A/2), she has been relieved. Counsel for



the applicant further submits that the applicant is on the verge of retirement and has left only less than two years of service and despite that has been transferred to a place which even does not have such a sanctioned post. Therefore, as an interim measure, counsel for the applicant prayed for interim relief by staying the effect and operation of the transfer order dated 22.07.2016 (Annexure A/1) and relieving order dated 22.07.2016 (Annexure A/2). On query, counsel for the applicant clarified that the applicant has not filed any representation before the concerned authorities regarding the transfer and that the applicant has not yet joined at the place of transfer i.e. Health Centre, Shamgarh. On query, counsel for the applicant further submitted that the respondent no. 2 i.e. Chief Medical Director, West Central Zone, West Central Railway, Jabalpur (M.P.) is the Head of Medical Department in the West Central Zone, West Central Railway.

3. Counsel for the applicant also made a point that actually as may be seen from the pay slip of July 2016 (Annexure A/3), the correct name of the applicant is now Smt. Manorama Burman but in the aforesaid orders (Annexure A/1 and Annexure A/2) the respondents are continuing to show her name as Smt. Munni Burman.

4. Considered the aforesaid submissions and perused the record. As upheld by the Hon'ble Apex Court in a catena of judgments, normally Courts and Tribunals are not expected to interfere in the orders of transfer and postings unless there is a proven mala fide, violation of statutory provisions or transfer being made by the incompetent authority, which is not so in the case.



5. However, keeping in view the facts and circumstances of the present case, it is deemed appropriate that the applicant may file a representation before the respondent no. 2 with regard to her transfer order dated 22.07.2016 (Annexure A/1) and relieving order dated 22.07.2016 (Annexure A/2).

6. Therefore, without going into the merits of the case, lest it prejudice the case of either side, the Original Application is disposed of at the admission stage itself, with the following directions:

(i) the applicant may file a representation, along with a copy of this order and paper book, before the respondent no. 2 with regard to her transfer order dated 22.07.2016 (Annexure A/1) and relieving order dated 22.07.2016 (Annexure A/2) within a period of seven days from the date of receipt of a copy of this order,

(ii) the respondent no. 2 is directed to decide the representation of the applicant, if so filed as aforesaid, in accordance with law and pass a reasoned and speaking at the earliest but in any case within 15 days from the date of receipt of a copy of the representation as aforesaid,

(iii) till the decision is taken by the respondents on the representation of the applicant to be filed as above, the effect and operation of the impugned transfer order dated 22.07.2016 (Annexure A/1) and relieving order dated 22.07.2016 (Annexure A/2) shall remain stayed,



(iv) if the applicant fails to file such as representation before the respondents, as directed above, the respondents would be free to proceed further with the matter as per law.

7. In view of the limited relief being granted, the requirement of issuing of notices to the respondents is dispensed with.

The Original Application is disposed of as above with no order as to costs.



(MS. MEENAKSHI HOOJA)
ADMINISTRATIVE MEMBER

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