

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR. (7)

* * *

Date of Decision: 14.7.97

OA 346/96

Anand Sajnani, Reservation Supervisor under Superintendent, Western Railway, Ajmer.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
3. Station Supdt., Western Railway, Ajmer Station, Ajmer.

... Respondents

CORAM:

HON'BLE MR. GOPAL KISHIA, VICE CHAIRMAN

For the Applicant

... None

For the Respondents

... Mr. U.D. Sharma

O R D E R

PER HON'BLE MR. GOPAL KISHIA, VICE CHAIRMAN

In this application u/s 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order, at Ann.A-1, dated 31.5.96, by which his transfer from Udaipur City to Ajmer as Reservation Supervisor, vide Ann.A-1 dated 22.5.96, was kept in abeyance.

2. On 30.4.97, the learned counsel for the applicant, Mr. Shiv Kumar, pleaded no instructions. Notice was issued to the applicant for appearance but the notice has been returned unserved with an endorsement that the applicant has not been available at his residence. Heard the learned counsel for the respondents. Records have been carefully perused.

3. The applicant has assailed his transfer to Udaipur City on the ground that his wife is serving as a Teacher in the Government Primary School, Village Dagwana in Ajmer and his family is staying at Ajmer. It is also stated by him that he owns a house at Ajmer and his mother is suffering from hypertension. It was due to these problems that the applicant had applied for his transfer to Ajmer. He was transferred to Ajmer vide order dated 22.5.96, at Ann.A-1, but the order dated 22.5.96 has been cancelled vide Ann.B-1 dated 11.7.96. The order dated 11.7.96 is not under challenge. The applicant was relieved vide order dated 31.5.96. It transpires from the record that the applicant's transfer to Ajmer was cancelled with a view to redressing the legitimate grievances of certain affected employees. However, transfer is an incidence of service and it is for the competent authority to decide where to post a particular employee and

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a transfer order can be interfered with if it is mala fide or if it violates any statutory rule. I do not find any merit in this application.

4. The OA is, therefore, dismissed at the state of admission. No order as to costs.

G. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK