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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision : 4.8.1999

OA 451/96

Chhotu Singh, Helper, Signal Department, Western Railway, Beawar.

... Applicant

VERSUS

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.P.P.Mathur, brief holder for  
Mr.R.N.Mathur

For the Respondents ... Mr.K.S.Sharma

ORDER

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Chhotu Singh, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the orders dated 11.7.96, 27.7.95 and 13.2.96, at Annexures A-1, A-2 and A-3 respectively.

2. We have heard Mr.P.P.Mathur, Advocate, brief holder for Mr.R.N. Mathur, counsel for the applicant, and Mr.K.S.Sharma, counsel for the respondents, and have carefully perused the records.

3. The applicant while holding the post of Senior Khalasi in the Western Railway at Beawar, was transferred by an order dated 27.7.95 to Rani vide Annexure A-2. He then had filed an OA (No.506/95), which was disposed of on 8.11.95 by a Division Bench of this Tribunal. In the earlier OA, respondent No.2 was directed to take a decision on the representation of the applicant. Vide an order dated 11.7.96, the applicant was informed that his representation has been rejected and since he is junior in the seniority list, he was transferred from Beawar to Rani on the abolition of two posts of Senior Helper at Beawar. The impugned order dated 27.7.95 has been assailed as being unreasonable and unjust as also on the ground that it was not made in the exigency of service. The contention of the applicant that S/Shri Rod Singh and Mithu Singh, retained at Beawar, are

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junior to him, is controverted by the seniority list dated 24.1.83, wherein the name of Shri Mithu Singh has been shown at Sl.No.23 and that of Shri Rod Singh at Sl.No.25, whereas the applicant has been shown at Sl.No.35. In this situation, the circular of the Railway Board dated 28.10.68, referred to in the OA, is of no help to the applicant. The transfer order was neither contrary to the rules nor was it mala fide. This application has no merits. It is, therefore, dismissed with no order as to costs.

  
(N.P.NAWANI)

ADM.MEMBER

  
(GOPAL KRISHNA)

VICE CHAIRMAN

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