

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 21.11.96

OA 542/96

Bhagirath Tazi, Station Superintendent (Working Post) at Railway Station Indergarh Sumerganj Mandi, District Bundi.

... Applicant

Versus

1. Union of India through Secretary to the Ministry of Railways, Government of India, New Delhi.
2. Divisional Railway Manager, Kota.
3. Sr.Divisional Railway Operating Superintendent/Manager (Est.) Kota, C/o Divisional Railway Manager, Kota.
4. Shri Surendra Mohan Gaur, Asstt. Station Master, Indergarh Sumerganj Mandi Railway Station, District Bundi.

... Respondents

CORAM:

HON'BLE MR.GOPAL KISHORE, VICE CHAIRMAN

HON'BLE MR.S.C.VAISH, ADMINISTRATIVE MEMBER

For the Applicant	... Mr.S.C.Gupta
For Respondents No.1 to 3	... Mr.T.P.Sharma
For Respondent No.4	... None

O R D E R

PER HON'BLE MR.S.C.VAISH, ADMINISTRATIVE MEMBER

Applicant, Bhagirath Tazi, is an employee of the respondent Railways in the capacity of Station Superintendent. He has come to the Tribunal against his transfer from Indergarh to Latheri. The distance between the two stations is about 13 kms. The Tribunal had issued an interim order dated 11.10.96 restraining the respondents from transferring the applicant but this interim order was vacated on 25.10.96. Thereafter, the respondents relieved the applicant at Indergarh but the applicant has not yet reported at Latheri nor he has been sanctioned leave.

2. We have heard Shri S.C.Gupta for the applicant and Shri T.P.Sharma for the respondents and examined the records in detail. The applicant has taken a plea that he is at the fag end of service and should not be transferred. According to his own admission, he has more than two years of service today and this plea is of no avail to him. He has also urged that he had forgone his promotion and hence he should not have been transferred within one year of it. The learned counsel for the respondents has contested this and stated that the applicant was never selected for promotion but was working on an ad

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hoc basis and hence the relevant circulars of the Railway Board on this subject do not apply. Lastly, the applicant has pleaded that he is a member of the Scheduled Caste and that due to distress circumstances in the family he should not be transferred out. These are no grounds for upsetting a transfer order and at best the applicant can make a representation to the respondents for their consideration. The learned counsel for the respondents urged that this transfer has been made because of the complaints against the applicant at his present posting.

3. In view of the above circumstances, we are of the view that the application has no merit and is rejected. However, on transferring the applicant the respondents are at liberty to restore his ad hoc promotion, if they so desire. No order as to costs.

mml 21-11-96
(S.C.VAISH)
ADMINISTRATIVE MEMBER

GKrishna
(GOPAL KRISHNA)
VICE CHAIRMAN

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