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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH:
J A I P U R.

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O.A. No. 494/97

Date of order: 17.2.1998

Suresh Chand Dubey son of Shri Jagdish Prasad, aged about 53 years, resident of Govindji Ka Mandir, Mori Charbagh, Bharatpur, at present Head Clerk in DSK, Western Rly. Store Deptt., Bharatpur (Raj.)

: Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Deputy Controller of Stores, Western Railway, Kota.

: Respondents

Mr. Ashok Gaur, counsel for the applicant
Mr. U.D. Sharma, counsel for the respondents.

CORAM:

HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O-R-D-E-R

(PER-HON'BLE-SHRI-RATAN-PRAKASH, -MEMBER-(JUDICIAL))

The applicant Shri Suresh Chand Deuby has approached this Tribunal under Section 19 of the Central Administrative Tribunals Act, 1985, to quash the impugned order of his transfer dated 17.10.1997 (Annx.A/10) by which he has been posted in the office of Divisional Controller of Stores (Division), Ratlam with an alternative prayer to keep the applicant either at Kota or in some other office at Bharatpur on the post of Head Clerk. He has also sought an interim direction to stay the operation of the impugned order dated 17.10.1997 till the disposal of this O.A.

2. Facts relevant for disposal of this application, in brief, are that while the applicant was working as Head

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Clerk in the office of Deputy Controller of Stores, Bharatpur, he was transferred vide order dated 16.7.1996 (Annx. A/1) in the office of Divisional Controller of Stores (Division), Ratlam. He was relieved on 30.7.1996 (Annx.A/2). The applicant finally joined at Ratlam on 30.6.1997 vide Annexure A/5 in the office of Deputy Controller of Stores (Division), Western Railway, Ratlam. Meanwhile he made a representation dated 22.7.1996 (Annx.A/3) to the Railway Minister and another representation on 5.6.1997 (Annx.A/4) to the Prime Minister. According to the applicant he performed his duties at Deputy Controller of Stores (Diesel Shed) Ratlam from July to October, 1997. Vide order dated 10.10.1997 (Annx.A/8) the applicant was sent back from Ratlam to the office of Deputy COS, Kota for further posting. He reported at Kota on 13.10.1997 (Annx.A/9).

3. It is the grievance of the applicant that after he joined at Kota on 13.10.1997, he was again sent back to the office of Controller Stores (Divisional) Ratlam vide order dated 17.10.1997 (Annx.A/10). The applicant is seeking the cancellation of this order on the ground of his being a handicapped person (both of his legs being amputated) and also that he is a poor person and it would be a great hardship to him to remain away from his family members who are settled at Bharatpur.

4. The respondents have opposed this application by filing a reply, to which the applicant has also filed a rejoinder, in return of which the respondents have also filed an additional reply. The stand of the respondents has been that the transfer of the applicant from Bharatpur to

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Ratlam became imminent because office of Deputy Controller of Stores, Bharatpur was closed and that looking to his disability he was placed in an office at Ratlam where he may not have to cross the railway tracks. It has been averred that he has been posted looking to his inconvenience and physical condition at Ratlam. It has also been averred by the respondents that the applicant made an application on 14.9.1997 to post him for a period of four months in the office of D.R.M., Kota and the respondent No.2 strongly recommended the case vide their letter dated 16.9.1997 to the D.R.M., Kota. However, D.R.M., Kota exhibited his inability as there was no vacancy of Head Clerk. It has, therefore, been averred by the respondents that the applicant is not entitled to claim any relief.

5. To the plea taken by the applicant in his rejoinder that there is one post in the office of P.W.I., Bharatpur of the level of Head Clerk and against that post one Chief Clerk is being allowed to work instead he may be posted there; the respondents do admit that there is one post of Head Clerk in PWI Office, Bharatpur against which a Chief Clerk is allowed to work. The applicant, according to the stand taken, can be adjusted against the said post, if a request to this effect is made by the applicant to the D.R.M. Kota.

6. I heard the learned counsel for the parties and have examined the record in great detail.

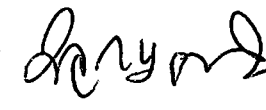
7. From the pleadings and documents placed by the parties

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on record, it is made out that there is one post of Head Clerk available in the office of P.W.I. Bharatpur, on which a Chief Clerk has been allowed to work. This post of Head Clerk in the office of PWI, Bharatpur is in the control and supervision of D.R.M., Kota who is not a party to this OA.

8. In the interest of justice, the applicant is directed to make a detailed representation to the General Manager, Western Railway, Churchgate, Mumbai as also to the D.R.M. Kota through proper channel, making a request to post him in the office of P.W.I. Bharatpur. Respondent No.1 ^{would} dispose of the said representation within a period of two months from the date of receipt of the representation.

9. This OA is disposed of as above with the consent of the parties at the stage of admission. A copy of this order be supplied to both the parties. No order as to costs.


(RATAN PRAKASH)
JUDICIAL MEMBER