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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No.259/98

Date of order: 02.11.1998

1. T.K.Budu S/o Shri Chati
2. Sahebo S/o Shri Ram Prasad,
3. Bal Kishan S/o Shri Prakash,
4. Shankar S/o Shri Chaturbhuji,
5. Ghasi Ram S/o Sugri,
6. Artho S/o Shri Sufal,
7. Dutiya S/o Shri Machho,
8. Sidhey Kumar S/o Shri Makaroo,
9. Atma Ram S/o Shri Bala,
10. Onupani S/o Shri Sunder,
11. Jagaram S/o Shri Ujalo,
12. Smt Pano D/o Shri Bhakto,
13. Smt Limey D/o Shri Sona,
14. Smt Phulli D/o Shri Budu,
15. Smt Lalita D/o Shri Chandnu,
16. Smt Shukrawari D/o Shri Rutu,
17. Smt Banita D/o Shri Chandnu,
18. Smt Agasho D/o Shri Bansi,
19. Smt Laxmi D/o Shri Dhansti,
20. Smt Tulu D/o Shri Atma Ram
21. Duaroo S/o Shri Balkrishan.

Applicants 1 to 20 are employed on the post of Gangman and applicant No.21 on the post of Gangmate under the Permanent Way Inspector (Construction), Western Railway, Ajmer.

.. Applicants

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Dy. Chief Engineer (Construction) Western Railway, Ajmer
3. Dy. Chief Engineer (Construction) Western Railway, Kota
4. Permanent Way Inspector (C), Western Railway, Ajmer

.. Respondents

Mr. J.K.Kaushik, counsel for the applicants

Mr. T.P.Sharma, counsel for the respondents

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicants, T.K.Budu, Sahebo, Bal Kishan, Shankar, Ghasi Ram, Artho, Dutiya, Sidhey Kumar, Atma Ram, Onupani, Jagaram, Smt. Pano, Smt Limey, Smt Phulli, Smt Lalita, Smt Shukrawari, Smt Banita, Smt Agasho, Smt Laxmi, Smt Tulu and Duaroo have filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 20.7.98 by which they were transferred from Ajmer to Kota to work under the Deputy Chief Engineer (Construction), Western Railway, Kota. It is further prayed that the respondents be directed to fix the Headquarter in respect of the applicants at some secure place.

2. Heard the learned counsel for the parties. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Applicants Nos. 1 to 20 are engaged on the post of Gangman and Applicant No. 21 is engaged on the post of Gangmate under Permanent Way Inspector (Construction), Ajmer. Applicants have already been granted temporary status on completion of 180 days continuous service. They were subjected to screening tests. Applicant Nos. 1 to 20 have been given appointment in the construction organisation itself on Group-D posts during the year 1997. The contention of the applicants is that since their children are prosecuting their studies in Ajmer, their transfer in the mid-session to Kota should not have been made. The contention of the respondents is that since the project has been completed and the applicants have become surplus in the unit of the Deputy Chief Engineer (Construction) at Ajmer, their retention at Ajmer is not possible.

4. In view of all the facts and circumstances of this case, the respondents are directed to consider the case of the applicants for their retention at Ajmer till the end of the academic session. The respondents are further directed to consider the applicants' case for fixation of their Headquarter at an appropriate place as per rules.

5. This application is disposed of accordingly with no order as to costs.

Gopal Krishna
(Gopal Krishna)

Vice Chairman