

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 365/98

Date of order: 06.01.1999

Smt. Godawari D/o Shri Daulat, resident of Gangapur City, aged about 34 years, presently posted as Gangman under P.W.I., Gangapurcity.

.. Applicant

Versus

1. The Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Kota.
3. Sr. Divisional Personnel Officer, Western Railway, Kota.

.. Respondents

Mr. Mr. Shiv Kumar, Proxy for

Mr. P.P.Mathur, counsel for the applicant

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. Ratan Prakash, Judicial Member

Applicant herein Smt. Godawari has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 to quash and set-aside the orders dated 3.9.97 (Ann.A1), 18.11.1997 (Ann.A2) and 31.3.98 (Ann.A3) with a direction to the respondents to retain her at Gangapur City (North).

2. Facts as is evident from the application and as narrated by the applicant are that the applicant was working as Casual Labour under P.W.I. , Gangapur City (North). She was regularised and transferred under P.W.I. Bhawani Mandi on 3.9.97. Aggrieved, she made a representation to the competent authority to cancel the impugned

order and post her back under P.W.I. Gangapur City South. Her request was considered by the competent authority and she was posted at Gangapur City (South) vide order dated 18.11.1997 (Ann.A2).

3. It is the case of the applicant that the applicant is an illiterate woman and thought that she has been posted at Gangapur City North and as such approached the P.W.I. Gangapur City (North) to allow her to join the duties there. She was not allowed. She made a representation to the competent authority which has been rejected vide order dated 31.3.1998 (Ann.A3). She has sought cancellation of the aforesaid order~~s~~ on the ground that she is mother of a mentally sick child and that the child is being treated by the Doctors of the Gangapur City Hospital since last year.

4. The respondents were given opportunity to file a reply but they have not filed reply inspite of repeated opportunities. On the last date a direction was given that the OA will be disposed of at the stage of admission and no further adjournment would be given. Accordingly, the learned counsel for the applicant Shri Shiv Kumar has been heard and the records have been perused.

5. The only ground to quash the aforesaid impugned order is that the applicant has been posted under P.W.I. (South) Gangapur City. However, from the pleadings of the applicant herself, it is made out in para 4.2 that she herself made a request to the competent authority to post her back under P.W.I. Gangapur City (South). Accordingly, I do not find any illegality or irregularity or any fault, whatsoever, on the part of the respondents in posting the applicant under the P.W.I. Gangapur City (South). Moreover, even if she is posted at Malarna which she asserts to be about 20 KMs. away from Gangapur City, it would not be~~s~~ hurdle in getting treatment of her child at Gangapur City, moreso when a railway employee can also

avail the facility of free railway pass.

6. Accordingly, there is no merit, whatsoever, in this application and this application is disposed of at the stage of admission.

7. At the time of closure of the dictation, the learned counsel for the respondents appeared and states that they had already filed reply to the OA in the Registry, which is not on record.



(RATAN PRAKASH)

JUDICIAL MEMBER