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Date of Decision: 16.2.99

OA 370/98

1. Gopal, Cleaner, r/o Railway Colony, Sawai Madhopur.
2. Heeralal, Khalasi r/o Railway Colony, Sawai Madhopur.
3. Herpal, Welder r/o Village Thingala, Sawai Madhopur.
4. Ram Phool, Fitter Grade-III r/o Village Thingala, Sawai Madhopur.
5. Shyambabu, Cleaner r/o Railway Colony, Sawai Madhopur.
6. Budhi Prakash, Cleaner r/o near Railway Colony, Sawai Madhopur.
7. Om Shiv, Khalasi r/o near Railway Colony, Sawai Madhopur.
8. Ram Lal, Harijan r/o Railway Colony, Sawai Madhopur.
9. Radhey Shyam, Fitter Grade-III r/o Village Thingala, Sawai Madhopur.

... Applicants

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt), DRM Office, Jaipur.
3. Sr.Divisional Mechanical Engineer (Estt), DRM Office, Jaipur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicants

... Mr.P.N.Jati

For the Respondents

... Mr.U.D.Sharma

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicants, named above, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 2.9.98, at Annexure A-1, by which they have been transferred from Sawai Madhopur to Jaipur.

2. Heard the learned counsel for the parties. Records of the case have been carefully perused.

3. Applicants are holding Group-D posts. They are working on the posts of Sweeper, Cleaner, Welder and Fitter. It is stated by the applicants that they belong to SC/ST/OBC communities and all of them are low paid employees. Their families are settled at Sawai Madhopur and their transfer to Jaipur in the middle of the academic session is not in their interest because academic career of their children may suffer. It is also contended that during the year 1995, 1996 and 1997 some of the applicants were transferred from Sawai Madhopur to Jaipur but later, their transfer order was withdrawn on the

14

demand of the Union and it was agreed that the Carriage & Wagon staff of the Jaipur Division shall be posted at Sawai Madhopur only. On the contrary, the respondents have stated that the applicants had been transferred to Sawai Madhopur at their own requests and not in terms of any policy. Applicants, Gopal, Ramphool and Radhey Shyam have already joined their posts at Jaipur. Applicants, Budhi Prakash and Ram Lal have been transferred back to Sawai Madhopur. So far as applicants Heera Lal, Herpal, Shyambabu and Om Shiv are concerned, they are directed to make representations to respondent No.2 within a week of this order and respondent No.2 is directed to decide the same within a fortnight of their receipt through a detailed speaking order on merits. Applicants Heera Lal, Herpal, Shyambabu and Om Shiv may be retained at Sawai Madhopur in case they have not already joined at Jaipur subject to the availability of posts they are holding at Sawai Madhopur or at any other nearby place, in case their children are prosecuting their studies at Sawai Madhopur, till a decision is taken on their representations. The OA stands disposed of accordingly with no order as to costs.

*Gopal Krishna*  
(GOPAL KRISHNA)  
VICE CHAIRMAN

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