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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.394/98

Date of order: 13.4.1999

Sochanda Meena, S/o Shri Sheo Pal Meena, aged about 32 years,
C/o S.R.Rawat, Quarter No.3, Type-4 Quarter, Railway Colony,
Sawaimadhopur, at present employed on the post of Lineman
Grade-II at Sawaimadhopur, Kota Division.

...Applicant.

Vs.

1. Union of India through General Manager, Western Railway,
Churchgate, Mumbai.
2. Senior Divisional Electrical Engineer (Estt) Western Railway,
Kota, Kota Division.
3. Ramvachan Singh, Lineman Grade-III, working at Sawaimadhopur
through Senior Divisional Electrical Engineer, Kota.

...Respondents.

Mr.C.B.Sharma - Counsel for applicant.

Mr.T.P.Sharma - Counsel for respondents

CORAM:

Hon'ble Mr.Ratan Prakash, Judicial Member.

PER HON'BLE MR.RATAN PRAKASH, JUDICIAL MEMBER.

Applicant herein Sachanda Meena has approached this Tribunal under Sec.19 of the Administrative Tribunals Act, 1985, to quash and declare as illegal and arbitrary the impugned order as at Annx.A1 dated 11.11.98, issued by respondent No.2 transferring the applicant to Vikarangarh Alot and posting respondent No.3 at Sawaimadhopur in his place.

2. Facts in brief are that the applicant and respondent No.3 were promoted consequent upon a selection conducted by the respondent department to the post of Lineman Gr.II in the pay scale of Rs.4000-6000. It is the case of the applicant that in the order of promotion dated 3.7.98 as at Annx.A2, his name appeared at Sl.No.6 whereas respondent No.3, Shri Ramvachan Singh, appeared at Sl.No.8 and that

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he was posted on promotion to Sawaimadhopur and respondent No.3 was posted at Vikarangarh Alot. The grievance of the applicant is that now vide order dated 11.11.98 (Annx.A1), respondent No.3 has been posted at Sawaimadhopur and he has been ordered to be posted at Vikarangarh Alot. Aggrieved he has approached this Tribunal to seek the aforesaid relief.

3. The respondents have opposed this application by filing a written reply to which no rejoinder has been filed.

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

5. Initially vide order dated 17.11.98, an interim order was issued by the Tribunal to the effect that the impugned order dated 11.11.98 (Annx.A1) shall remain inoperative till the date fixed unless the applicant has been relieved before the date of this order. Since the applicant was not relieved, he continued to work at Sawaimadhopur.

6. It has been argued by the learned counsel for the respondents that since respondent No.3 has been senior in the gradation list of Lineman Gr.III as at Annx.R4 dated 5.6.95; the order dated 11.11.98 has been issued by placing the senior person i.e. respondent No.3 at Sawaimadhopur and the applicant has been transferred to Vikarangarh Alot. ~~It has also been urged that this order has been issued in~~ administrative interest. It has, therefore, been urged that since the impugned order has been in accordance with the seniority and the guidelines issued by the Head-quarters of the respondents Railways dated 19.7/9.97, there has been no illegality or irregularity in the issuance of the impugned order Annx.A1 dated 11.11.98 and the O.A deserves rejection.



7. I have given anxious thought to the arguments advanced by both the sides. It is settled law that the Court/Tribunal should not interfere in the matters of transfers of employees unless the order of transfer is actuated by malice or is in violation of any professed norm or infraction of any statutory provision. In the instant case, the respondents Railways have issued the order dated 11.11.98 in consonance with the policy of the respondents Railways declared in their letter dated 19.7/9.97, which reads as under:

"As per extant policy being followed on this Railway, whenever promotions of staff are ordered, seniormost staff will be retained at the same station/units itself and the juniormost will be moved out. It is, however, observed that on some of the divisions these instructions are not being followed, thus causing extreme hardship to member staff. It is, therefore, once again reiterated that these instructions should be followed rigidly to avoid recurrence of this nature."

It is, thus apparent that the respondents have corrected the mistake only after respondent No.3 had made a representation claiming his seniority over the applicant. Further, order dated 11.11.98 has been issued in accordance with extant policy disclosed in the aforesaid letter dated 19.7/9.97 to avoid recurrence of the nature which has occurred in the instant case where the applicant being junior has been posted at Sawaimadhopur and senior has been posted at Vaikaragarh Alot. For all the aforesaid reasons, I do not find any fault whatsoever in the order dated 11.11.98 issued by the respondents by posting the applicant at Vikaragarh Alot and bringing respondent No.3 at Sawaimadhopur.

8. The O.A, therefore, has no merit which is dismissed with no order as to costs. The interim direction issued on 17.11.98 stands vacated.



(Ratan Prakash)
Judicial Member.