

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 01.01.1999

OA 422/98

Venudhar, Chhavi, Smt. Maliyama and Smt. Revti, all working as Group-D employees under 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-III), Western Railway, Churchgate, Mumbai.
4. Permanent Way Inspector (C), Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. C. B. Sharma

For the Respondents

... Mr. Manish Bhandari

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, praying that the impugned order dated 24.11.1998, at Annexure A-1, transferring the applicants from Ajmer to Mumbai under respondent No.3 may be declared illegal and the same be quashed. In the alternative it has been prayed that the impugned order may be kept in abeyance till the school session is over and the applicants be allowed to remain at their headquarters at Ajmer.

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' case is that they have been working as Group-D employees in different projects of the Railways. All of them have been granted temporary status after completing 180 days continuous service. During the past 10 months they were sent to work on temporary duty to various places. It is further stated that most of the applicants have their families and their children are prosecuting their studies in Government Primary School, Kutchery Road at Ajmer. They reside in huts. The applicants have now been ordered to be transferred to Mumbai to work under respondent No.3, vide Annexure A-1. It is contended that their transfer at this juncture will not only adversely affect the studies of their children but it may also put them in an insecure condition. It is also

Chhavi

stated that there is no administrative exigency for their transfer. It is further stated that if they are shifted from Ajmer without proper fixation of their headquarters, it may affect their efficiency. The learned counsel for the respondents has contended that the applicants have been transferred to Mumbai to work under respondent No.3 since there is no work available for them at Ajmer. It is also stated by the learned counsel for the respondents that there is no evidence on the record to show that the children of the applicants are studying in any school at Ajmer.

4. In view of all the facts and circumstances of this case, without going into the merits of this case, this application is disposed of at the stage of admission with a direction to the respondents to consider the case of the applicants for their retention at Ajmer and the fixation of their headquarters at an appropriate place in accordance with rules, instructions and guidelines on the subject. No order as to costs.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK