

Date of Decision: 19.7.1999

OA 440/98

1. Wilfred D, Machinist-III, Carriage Depot, Gangapurcity.
2. Bhambal Chand, Wheel Taper, Gangapurcity.
3. Kamal Singh, Head Khalasi, Carriage Depot, Gangapurcity.
4. Abdul Latif, Fitter Grade-II, Carriage Depot, Gangapurcity.
5. Kamla Devi, Repacker-III, Carriage Depot, Gangapurcity.
6. Kalyan Prasad Jha, Wheel Taper, Carriage Depot, Gangapurcity.
7. Ram Khiladi, Reveater Grade-III, Carriage Depot, Gangapurcity.
8. Karan Singh, Head Khalasi, Carriage Depot, Gangapurcity.
9. Amar Singh, Head Khalasi, Carriage Depot, Gangapurcity.
10. Prabhu Lal, Head Khalasi, Carriage Depot, Gangapurcity.
11. Deen Mohammed, Head Khalasi, Carriage Depot, Gangapurcity.
12. Taj Mohammed, Head Khalasi, Carriage Depot, Gangapurcity.
13. Kanhaiya Lal, Head Khalasi, Carriage Depot, Gangapurcity.
14. Babu Lal, Head Khalasi, Carriage Depot, Gangapurcity.
15. Ramji Lal, Head Khalasi, Carriage Depot, Gangapurcity.
16. Sabir Hussain, Head Khalasi, Carriage Depot, Gangapurcity.
17. Ghanshyam, Head Khalasi, Carriage Depot, Gangapurcity.
18. Ramesh Chand, Head Khalasi, Carriage Depot, Gangapurcity.
19. Schan Lal, Head Khalasi, Carriage Depot, Gangapurcity.
20. Madan Lal, Head Khalasi, Carriage Depot, Gangapurcity.

... Applicants

Versus

1. Union of India through its Secretary, Ministry of Railways, New Delhi.
2. Western Railways through its General Manager, Mumbai.
3. Divisional Railway Manager, Western Railway, Kota.
4. C.W.S, Western Railway, Gangapurcity.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicants

... Mr.Sanjay Sharma

For the Respondents

... Mr.T.P.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 their transfer from Gangapur City to Kota vide Annexures A-1, A-2 and A-8 dated 21.7.98, 18.9.98 and 18.11.98 respectively.

See

05/22/79


1979

17.9.5

2. We have heard the learned counsel for the parties.

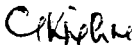
3. The contention of the applicants is that Gangapur City Railway Station is an important Railway Station on the Delhi-Mumbai route, where the staff is changed and the mechanical inspections of passenger and goods trains take place and since respondents No.3 and 4 are bent upon shifting the examination of trains from Gangapurcity in contravention of the directions of the Railway Board, they intend to reduce the staff meant for the examination of trains. The impugned orders are assailed as being illegal, unwarranted and improper and that there was no administrative exigency for transferring the applicants. It is also stated that the applicants could not be declared surplus since they were required at Gangapurcity itself. The respondents have stated that mechanical examination of the passenger and goods trains is not required at Gangapurcity and they have denied the averment of the applicants that mechanical examination of trains is necessary at Gangapurcity. The place of mechanical examination of goods and passenger trains is decided by the concerned authority. The respondents have categorically stated that no train examination staff is needed at Gangapurcity and the applicants have been transferred on the grounds of administrative exigencies. We find no illegality in issuing the impugned orders. These orders cannot be dubbed as capricious.

4. We find no substance in this application. The OA is, therefore, dismissed with no order as to costs.


(N.P.NAWANI)

ADM.MEMBER

VK


(GOPAL KRISHNA)
VICE CHAIRMAN