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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 24.06.1999

OA No. 212/99

Shahjad Khan S/o late Shri Sardar Khan, Platform Porter. C/o Station Supdt., Gangapur City, Western Railway, Kota Division.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The Station Superintendent, Western Railway, Gangapur City.
3. Assistant Operating Manager (Estt.), Western Railway, Kota Division, Kota Jn.

.. Respondents

Mr. S.C.Sethi, Counsel for the applicant

Mr. T.P.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Shahjad Khan, in this application under Section 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents to post him at Gangapur City Railway Station against the vacant post of Box Boy/Call Boy and alternatively, if it is not feasible to post him at Gangapur City, they may be directed to transfer the applicant on any of the Railway Station nearer to Gangapur City.

2. We have heard the counsel for the parties. Records of the case have been carefully perused.

3. The case of the applicant is that he was appointed to a Group 'D' post on compassionate grounds. He is a low paid employee. His father has already expired and the members of the applicant's family are residing at Gangapur City and it is urged on behalf of the applicant that he may not

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be able to maintain his family at Gangapur City from Baran, which is quite far away.

4. The respondents have contested the application on the ground that the applicant was declared surplus and, therefore, he was transferred from Lalpur Umri to Baran and that the order is neither illegal nor is it tainted with mala fide.

5. It is an admitted fact that the representation made by the applicant regarding his transfer to Baran is still under consideration and the applicant was transferred to Baran merely because he was declared surplus. The applicant is a low paid Group 'D' employee appointed on compassionate considerations. He has to maintain his family at Gangapur City after the death of his father. In the circumstances his representation for transferring him back to Gangapur City or to any other station nearby deserves to be considered sympathetically.

6. We, therefore, direct the respondents to consider posting the applicant back to Gangapur City against any existing vacant post at Gangapur City or at any nearby Railway Station on humanitarian grounds as expeditiously as possible.

7. The OA stands disposed of accordingly with no order as to costs.

  
(N.P. NAWANI)

Adm. Member

  
(GOPAL KRISHNA)

Vice Chairman