

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 15.6.99

OA No.222/99

V.P.Chaudhary S/o Shri Dev Chaudhary age about 40 years
r/o House No. 37 A-2F/12, New Madhu Nagar, at present
employed at Agra Fort, Western Railway, Kota Division.

.. Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estab.), Kota Divisionb, Kota.
3. Station Manager, Agra Fort, Western Railway, Kota Division, Kota.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant

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


CORAM:

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

ORDER

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

The learned counsel for the applicant has moved this Tribunal for quashing the impugned order dated 4.5.99 qua the applicant. He contended that the applicant who was occupying a sensitive post was posted out from Agra Fort against the policy of the Railways under which the railway servant holding sensitive posts should be transferred out of their existing post/seat or station after every 4 years. He has also added that the applicant is a heart patient which is clear from the representation made by the applicant on 9.10.96 (Ann.A2) for seeking posting on request to Agra.




2. The learned counsel for the respondents has opposed not only the interim relief but also the prayer for cancelling the transfer qua the applicant. He informed that the applicant has served at Agra Fort from 1989 till 18.11.1996 when he was promoted and transferred to Roopbas. The applicant has served at Roopbas between 19.11.96 to 22.11.96. In the meantime the applicant has prayed for a request transfer vide Ann.A2. The Railways consequently transferred the applicant back to Agra and thus he remained at Roopbas only for 4 days. He contends that the applicant has in fact managed to remain at Agra from 1989 to 4.5.1999 when he was transferred under the impugned order Ann.A1. He has also contended that there is no malafide as far as the transfer of the applicant is concerned and that the railway administration is within its right to transfer any employee in the exigency of administration. He has also added that the applicant's transfer order is dated 4.5.99 and without making even one representation, he has come to the Tribunal on 11.5.1999.

3. I have heard the learned counsel for the parties.

4. Even without going into the merits of the case, I feel that the applicant must first make a representation to the competent authority for redressal of whatever grievance he has with respect to the impugned order. He may make a representation within one week and the Railways may take a decision on his representation within one month of his giving the representation. In case the applicant is not satisfied with the reply, he may file a fresh application.

5. The application is accordingly disposed of at the stage of admission.


(N.P.NAWANI)
Adm. Member