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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.545/99

Date of order: 12/4/2000

1. Makhan, S/o Shri Fukia, working as Gangman, P/c Top Dhara, Near Uria Jhopada & PWI(C) Office, Ajmer.
2. Smt. Kamma, D/o Jai Singh, Gangman, Top Dhara, Near Uria Jhopada & PWI(C) Office, Ajmer.

...Applicants.

Vs.

1. Union of India through General Manager, W.Rly, Churchgate, Mumbai.
2. Divisional Railway Manager Northern. Rly, Ajmer Division, Ajmer.
3. Dy.Chief Engineer(C), W.Rly, Ajmer.

...Respondents.

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

Mr.T.P.Sharma - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the impugned order of transfer dated 11.5.99 issued by respondent No.3 ordering to transfer the applicants from Construction Division Ajmer to Jaipur Division in open line.

2. Facts of the case as stated by the applicants are that they were initially appointed as casual labour (Gangman) on 12.5.86 and 17.7.85 respectively. They were granted temporary status as per rules. Both of them were regularised in Ajmer Division on the post of Gangman under PWI themli vide letter dated 3.11.97. It is stated that after regularisation, the applicants were transferred by respondent No.3 from Construction Division Ajmer to Jaipur Divn under Senior DEM(HQ). It is stated that this transfer was made due to reduction in work load and exigencies of service. It is stated that respondent No.3 is not a competent authority to transfer the applicants if there is no work in Construction Division at Ajmer, they ought to have repatriated to their parent Division i.e. Ajmer. Therefore, the impugned order is ex-face illegal, discriminatory and ab initio and without jurisdiction. The applicants, therefore, filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it has been made clear that respondent No.3, Dy.Chief Engineer is the competent authority to transfer the applicants and they were transferred in exigencies of service, therefore, this Tribunal should not interfere with the impugned order of transfer.

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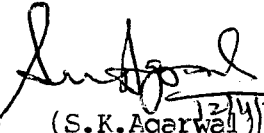
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4. Heard the learned counsel for the parties and also perused the whole record.

5. Admittedly, the impugned order of transfer was necessitated due to reduction in work load and exigencies of service. It also appears that the impugned order of transfer was made by the Dy. Chief Engineer, who is competent authority to transfer the applicants and others.

6. The learned counsel for the applicants failed to establish the fact that respondent No.3 is not the competent authority to transfer the applicants. At the time of hearing of the O.A, the learned counsel for the applicant has furnished a copy of order dated 31.10.99 by which 68 labourers were ordered to be spared for repatriation to their parent division and the name of the applicants is at Sl.No.7 and 8 in the order. By this order, the grievance of the applicants is almost redressed.

7. In view of the above, I do not find any basis to interfere with the impugned order of transfer and the O.A having no merit is hereby dismissed with no order as to costs.

  
(S.K. Agarwal) 12/11/2000  
Member (J).