

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 18.4.2000

OA 124/2000

Kamal Nayan, Rly.Asstt.Driver (AC), DRM Office, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Kota Division, Kota.

... Respondents

CORAM:

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

For the Applicant

... Mr.C.R.Premi

For the Respondents

... Mr.T.P.Sharma

O R D E R

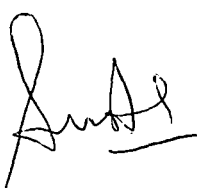
PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA, the applicant makes a prayer to quash the impugned order of transfer dated 13.3.2000 (Ann.A/1).

2. Vide order dated 13.3.2000 the applicant has been transferred from Kota to Bayana and he has been relieved for the same. It is stated that the respondent railway authority has served upon the applicant a memorandum of charge-sheet to initiate for major penalty and transferred the applicant to Bayana as a measure of punishment. It is stated that transfer of the applicant, in such circumstances, is punitive, arbitrary and in violation of Articles 14 and 16 of the Constitution. Therefore, the applicant sought the relief, as mentioned above.

3. Reply was filed. In the reply, allegations of mala fides were denied by the respondents and it is stated that the applicant has been transferred in exigencies of service and for fair trial of major penalty charge-sheet.

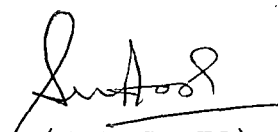
4. Heard the learned counsel for the parties and also perused the whole record. On the perusal of the averments made by the parties, it does not appear at all that there has been any violation of statutory rules while issuing the impugned order of transfer. The applicant also failed to establish the fact of mala fide against the respondents. No-one has been impleaded as necessary party, against whom the mala fides are alleged to



have been imputed. Transfer of the applicant for the sake of conducting fair inquiry is not punitive at all. Therefore, in my considered view, the order of transfer cannot be interfered.

5. The learned counsel for the applicant also submits that the applicant has filed a representation for sympathetic consideration as he has been transferred in mid of the session. In view of the submission made by the learned counsel for the applicant, the respondent No.2 is directed to dispose of the representation of the applicant by a reasoned and speaking order considering the case of the applicant sympathetically.

6. With the above directions, this OA is disposed of at the stage of admission with no order as to costs.


(S.K.AGARWAL)
MEMBER (JUDL)