

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A No.249/2000

Date of order: 22.8.2000

1. Makhan, S/o Shri Kukia, working as Gangman.

2. Smt.Kamma, D/o Sh.Jai Singh, working as Gangman

R/o Top Dhara, Near Uriya Jhcpada & PWI (C) Office, Ajmer.

...Applicants.

Vs.

1. Union of India through General Manager, Western Railway, Church Gate, Mumbai.

2. Divisional Railway Manager, Northern Railway, Ajmer Division, Ajmer.

3. Dy.Chief Engineer (C), W.Rly, Ajmer.

...Respondents.

B.Sharma - Counsel for applicant.

P.Sharma - Counsel for respondents.

AM:

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

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

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

In this Original Application filed under Sec.19 of the Administrative Tribunal Act, 1985, the applicants make a prayer to direct the respondents to facilitate the applicants to join their parent division as per the posting order dated 21.10.99 and to allow all the consequential benefits including payment of salary for the intervening period.

2. Reply was filed. In the reply it has been admitted by the respondents' department that vide order D.O No.E/891/3-JP dated 21.10.99 orders are given to transfer the surplus staff to their parent division but since both these applicants were not on the roll in the unit, these orders are not effective to them.

3. It has been categorically submitted by the respondents that all other surplus staff were given orders to transfer them to their parent

division, therefore, we think it proper and equitable that the applicants should have also been sent to their parent division. The basis of not transferring the applicants to their parent division that they were not on the roll of the unit, appears to be arbitrary therefore the same is not sustainable in law.

4. We, therefore, direct the respondents to allow on transfer the applicants to their parent division, as the respondents have already sent other surplus staff by transferring them to their parent division, within a month from the date of receipt of a copy of this order. As regards payment of salary for the intervening period, the applicants may file representation before the competent authority who will take a final decision in this direction.

order as to costs.

Swami)

M (A).


(S.K. Agarwal)

Member (J).