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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10.08.2000

OA No.350/2000

Abdul Karim Khan S/o Shri Abdul Shakoor Khan, presently working on the post of Sr.Booking Clerk at Ajmer.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Headquarter Office, Churchgate, Mumbai
2. The Divisional Railway Manager (Estt.), Western Railway, Ajmer.
3. The Senior Divisional Commercial Manager, Western Railway, Ajmer.

.. Respondents

Mr. P.C.Swamy, counsel for the applicant.

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CORAM:

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

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

ORDER

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

Heard the learned counsel for the applicant for admission. The relief sought by the applicant in this Original Application is to quash and set-aside the impugned order of transfer dated 27.3.2000 at Ann.A1 qua the applicant. Interim Directions are also sought to stay the operation of the order dated 27.3.2000 qua the applicant.

2. The main ground of the applicant in this Original Application is that applicant's mother who is suffering from paralysis and that there is no other male member to look after

her for treatment and care. The applicant also filed representation before the competent authority but inspite of his request he was transferred from Ajmer to Sirohi Road.

3. The learned counsel for the applicant submits that applicant has filed OA No.332/2000 earlier before this Tribunal and directions were issued to respondent No.2 to dispose of the representation of the applicant but his representation was not disposed of by reasoned and speaking order. He further reiterates the same ground before this Tribunal in the present OA.

4. We have considered the contention of the applicant as mentioned in this Original Application and also perused the order passed on the representation filed by the applicant.

5. It is a settled principle of law that a transfer which is an incident of service is not to be interfered with by the Courts unless it is shown to be clearly arbitrary or vitiated by mala-fide or infraction of professed norms or principles governing the transfer. In N.K.Singh v. Union of India and ors., (1994) 28 ATC 246 it was held by Hon'ble the Supreme Court of India that in case of personal difficulties relating to transfer, the difficulties should be more appropriately considered by the departmental authority rather than the Tribunal because departmental authority is expected to have more immediate knowledge. In the instant case, the applicant has come up before this Tribunal for quashing the order of transfer on account of his personal difficulties for which department is the appropriate authority to examine and consider the case of the applicant more appropriately and deal the same sympathetically.

6. In view of above all, we are not inclined to admit this Original Application on the same ground which has been already agitated by the applicant in his earlier OA. However, we observe that applicant is free to approach the department concerned for redressal of his grievance and the department is expected to consider the personal difficulties of the applicant sympathetically and to pass appropriate orders.

7. With these observations, we dispose of this Original Application at the stage of admission.

(N.P.NAWANI)
Adm.Member

(S.K.AGARWAL)
Judl.Member