

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH,

JAIPUR

Date of order: 21.11.2001

OA No.415/2000

Ram Ratan s/o Ram Kishan aged about 38 years,
Khalasi/Gangman, CPWI (Construction) Railway Quarter
No.24B, Sanganer Railway Colony, Jaipur.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Chief Project Manager, Western Railway, Construction Department, In front of Divisional Railway Hospital, Western Railway, Jaipur
3. The Divisional Railway Manager, Western Railway, Jaipur
4. Chief Permanent Way Inspector (SSE), Western Railway (Construction), Jaipur
5. The Divisional Railway Manager, Western Railway, Kota (Rajasthan)

.. Respondents

Mr.Nand Kishore, counsel for the applicant

Mr. S.S.Hasan, counsel for the respondents

CORAM:

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

Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

Applicant, Ram Ratan, while working as casual labour with temporary status in the Construction organisation was regularised as a Gangman vide order dated 4.9.1997 (Ann.A1). At the time of regularisation, he was



working under C.P.W.I. (Construction), Jaipur. Initially, while regularising him against a regular post of Gangman, he was granted lien on Kota Division. However, the applicant submitted an option where he gave preference for Jaipur Division. Accepting his option, he was granted lien on Jaipur Division in terms of Chief Personnel Officer, Churchgate letter dated 20.8.1997. DRM, Jaipur vide letter dated 22.9.1997 (Ann.A2) posted the applicant under Assistant Engineer, Alwar, Jaipur Division. In this letter it has been clarified that earlier the applicant had been granted lien in Kota Division, but the same has been revised keeping in view the option submitted by the employee. In the case of the applicant, whose name appears at Sl.No.18 of the order Ann.A2, he has been shown to have been posted under Assistant Engineer, Alwar.

2. We find from the averments in the OA and the arguments advanced by the learned counsel for the applicant on his behalf that the applicant is keen to be posted to Kota Division. The learned counsel for the respondents stated that ever since his posting under Assistant Engineer, Alwar, the applicant has not reported there and has, in fact, been absenting himself w.e.f. 10.7.1998, the date on which he was spared by CPWI (Construction), Jaipur. The learned counsel for the applicant drew our attention to Ann.A5, which is representation from the applicant wherein he has himself admitted that he has reported sick under private Doctor and he continues under sickness. Entire emphasis of his representation is that he should be posted in Kota Division and not in Jaipur Division. There is no

satisfactory explanation available as to why the applicant has not joined duties at Alwar. The applicant had made a feeble attempt to justify his absence by stating that he has not been taken on duty. The learned counsel for the respondents challenged this statement of the applicant and submitted that the applicant was himself absenting from duty as per the orders.

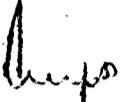
3. We have gone through the contents of the OA and the related orders and reply of the respondents. It is obviously an attempt on the part of the applicant to seek directions for his posting at Kota. He has failed to make out any case in his favour of any infringement of his legal rights. Assigning of lien to him in Jaipur Division is admittedly as per his option. The only course available to him is to join duty at Alwar and then make a request for transfer to Kota Division by accepting bottom seniority as per rules of transfer on request. By his conduct of remaining absent from duty, the applicant has betrayed a sense of indiscipline on his part. He is well advised to report for duty at the earliest and then make a formal request for transfer under the rules applicable to transfer on request from one division to another. Once he follows this discipline, the respondents may consider his request sympathetically.

4. The applicant has failed to make out any case in his favour for any relief which can be considered by us. This OA is dismissed as having no merits. The applicant is directed to join at Alwar as per orders immediately and then submit an application for



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regularising the period of absence, which period can certainly not be treated as on duty. If the applicant makes a request for transfer to Kota Division after joining under the Assistant Engineer, Alwar & accepting bottom seniority, we expect the respondents to take a sympathetic view keeping in view his personal difficulties. No order as to costs.


(A.P.NAGRATH)

Adm. Member


(S.K.AGARWAL)

Judl. Member