

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 08.4.2002

OA 613/2001

Nauratmal Kumawat, TTE, W/Rly, Palanpur.

... Applicant

Versus

1. Western Railway through its DRM, Ajmer Division, Ajmer.
2. Shri Ashwini Sinha, TTE c/o CTI, W/Rly, Abu Road.
3. Shri Narendra Kumar Sharma, TTE c/o CTI (Aminity), W/Rly, Ajmer.

... Respondents

CORAM:

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

HON'BLE MR.J.K.KAUSHIK, JUDL.MEMBER

For the Applicant ... Mr.Hemant Gupta, brief holder
for Mr.Rajendra Vaish

For the Respondents ... Mr.R.G.Gupta

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

By order dated 30.12.99, (Ann.A/3), Shri Ashwini Sinha, TTE, Ajmer, and Shri Narendra Kumar Sharma, TTE, Abu Raod, both in grade Rs.4000-6000, have been transferred to Abu Road and Ajmer respectively on mutual exchange basis at the request of the parties. It is this order which has been challenged by the applicant Nauratmal Kumawat.

2. When this matter was taken up for hearing, we were informed by the learned counsel for the respondents that this transfer order has since been implemented. This



position has also been accepted by the learned counsel for the applicant and a letter to this effect, dated 31.12.99, is also available at Ann.A/4, which confirms this position. We are not ~~able~~ to comprehend as to how an external agency who is not a party to this transfer order can make a grievance out of the same. It was stated by the learned counsel for the applicant that Shri Ashwini Sinha, who is respondent No.2 in this case, had in fact sought a mutual transfer with the applicant, for which both have jointly submitted an application dated 30.12.99 (Ann.A/1). He also took a plea that the private respondent Shri Ashwini Sinha had submitted a request on 28.12.99 not to act upon his earlier joint request made with Shri Narendra Kumar Sharma, but ignoring this the impugned order has been issued.

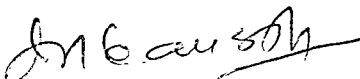
3. We do not find any force in the argument advanced before us for the simple reason that respondent No.2, Shri Ashwini Sinha, has accepted and carried out the transfer order. It is also not in dispute that he had earlier applied for mutual transfer with Shri Narendra Kumar Sharma, respondent No.3. In this background, we find that the applicant has failed to establish any locus-standi to challenge this transfer order.

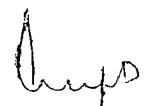
4. The learned counsel for the applicant, however, made a plea that the applicant is having serious family difficulties and has submitted a request for his transfer on 13.6.2000. His prayer was that this request of the



applicant could be considered by the concerned authorities of the department favourably. We have perused this application. While the applicant has made a request for his transfer to Ajmer because of his family problems, he has nowhere stated that he is prepared to accept the rules and conditions as applicable to a case of 'request transfer'.

5. In view of the facts and circumstances of this case, there is no merit in this OA. We, therefore, dismiss the same. However, if the applicant submits a request for transfer by accepting the terms and conditions as applicable to a case of 'transfer on request', the respondents may consider the same sympathetically. No order as to costs.


(J.K.KAUSHIK)
MEMBER (J)


(A P.NAGRATH)
MEMBER (A)