

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

O.A. No. 140/2003
T.A. No. ~~xxxx~~

199

DATE OF DECISION _____

Prem Kumari Solanki

Petitioner

Mr. P.V. Calla

Advocate for the Petitioner (s)

Versus

Union of India & ors.

Respondent

Mr. S.P. Sharma

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. JUSTICE G.L.GUPTA, VICE CHAIRMAN

The Hon'ble Mr. G.C.SRIVASTAVA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(G.C.SRIVASTAVA)
Administrative Member

(G.L.GUPTA)
Vice Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 10.07.03

OA No.140/2003

Prem Kumari Solanki w/o Shri S.S.Solanki, aged about 54 years r/o House No. 1010, Bheemganj Mandi, Dadwara, Kota, presently posted as Asstt. Teacher, Rly. Primary School, Workshop, Kota.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Kota Division, Kota.
3. Senior Divisional Personnel Officer, Ex-Official President, Railway School, Kota Division, Kota.

.. Respondents

Mr. P.V.Callia - counsel for the applicant.

Mr. S.P.Sharma - counsel for the respondents.

CORAM:

HON'BLE MR. JUSTICE G.L.GUPTA, VICE CHAIRMAN

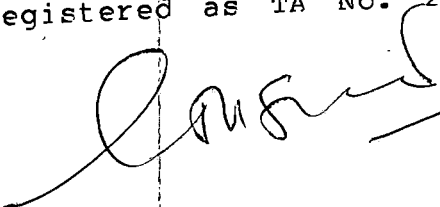
HON'BLE MR. G.C.SRIVASTAVA, ADMINISTRATIVE MEMBER

O R D E R

Per Hon'ble Mr. Justice G.L.Gupta.

The order of transfer Ann.A1 dated 13.1.2003 is under challenge in the instant OA.

2. The short facts of the case are these: The applicant entered in service as Substitute Teacher on 22.8.79. She was granted temporary status w.e.f. 20th November, 1979. When she was not regularised, she filed civil suit which was transferred to this Tribunal and was registered as TA No. 2184/86. The same was disposed of



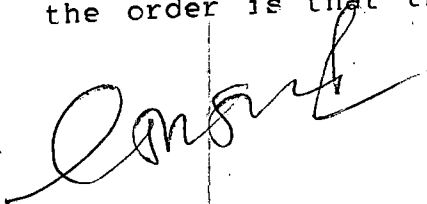
vide order dated 29.7.93. She also filed OA No. 264/94 which was disposed of vide order dated 27.1.2000. Pursuant to the directions given in the said OA, the services of the applicant were regularised and the date of her regular appointment was shown as 14.7.2000. In the seniority list of the regular teachers, she was assigned seniority at Sl.No.48. She, being junior most teacher, was declared surplus vide order dated 1.5.02 (Ann.A9). She made representation against the said order but when her representation was rejected, she filed OA No.31/2003 on 20th January, 2003. In the meantime, the applicant was ordered to be transferred from Kota to Sham Garh vide order Ann.A1. Hence this OA.

3. The main grounds taken in the instant OA are that the applicant has been transferred to undo the effect of the interim order passed in OA No. 31/2003 and that the applicant, being senior, could not be declared surplus.

4. In the counter, the respondents have come out with the case that when the earlier OA No.31/2003 was filed, the applicant was aware of the order dated 13.1.2003 impugned in the instant OA and she obtained the interim order by concealing this order. It is stated that the applicant being juniormost teacher was declared surplus and has been rightly transferred from Kota.

5. We have heard the learned counsel for the parties and perused the material placed on record.

5.1 Today by a separate order, the OA No.31/2003 filed by the applicant has been dismissed. The effect of the order is that the case of the applicant that she was



senior to various teachers' has not been accepted. The applicant's position in the seniority list has been found to be correctly shown. Therefore, this ground is not available to the applicant that she could not be declared surplus and she could not be transferred from Kota.

5.2 As to the ground that the transfer order has been issued to undo the effect of the interim order, it may be stated that the transfer order Ann.A1 was issued on 13.1.2003 whereas the interim order in OA No. 31/2003 was passed on 29.1.2003. It is, therefore, futile to contend that the order Ann.A1 has been issued to undo the effect of the interim direction dated 29.1.03.

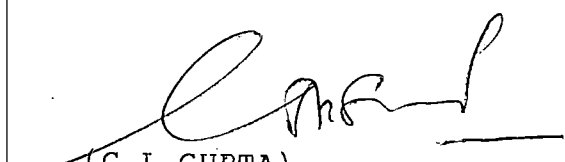
5.3 As a matter of fact, the applicant had concealed the order Ann.A1 when she filed the OA No.31/2003 and obtained the interim order.

6. In our opinion, the grounds taken in the instant OA are not available to the applicant and this OA is liable to be dismissed.

7. Consequently, the OA is dismissed with no order as to costs.


(G.C.SRIVASTAVA)

Administrative Member


(G.L.GUPTA)

Vice Chairman