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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 435 of 2005

Jabalpur, this the 6th day of May, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Dr. (Smt.) Neeraj Verma, Sr. DMO (Pediatrics),
West Central Railway, Jabalpur (MP). Applicant

(By Advocate – Shri A.P. Shrivastava)

V e r s u s

1. Union of India, through Secretary,
Ministry of Railway, North Block, New Delhi - 110001.
2. Chairman, Railway Board, Rail Bhawan,
New Delhi - 110001.
3. Shri D.K. Gupta, General Manager,
West Central Railway, Opp. Indira Market,
Jabalpur (MP).
4. Chief Medical Superintendent, West Central
Railway Hospital, Jabalpur (MP).
5. Chief Personnel Officer (Gazetted), West Central
Railway Hospital, Jabalpur (MP). Respondents

O R D E R (Oral)

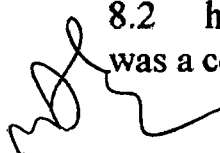
By M.P. Singh, Vice Chairman –

Heard the learned counsel for the applicant.

2. By filing this Original Application the applicant has claimed the following main reliefs :

“8.1 quash the order No. 72/2005 dated 28.4.2005 (Annexure A-1) transferring applicant from Jabalpur to Kota,

8.2 held that the transfer was ordered arbitrarily with malice and was a colorable exercise of power.”



3. The brief facts of the case are that the applicant who is at present working as Senior Divisional Medical Officer with respondent Railways at Jabalpur has been transferred to Kota which is outside the present division. No reasons have been assigned for her transfer. He also submitted that the applicant has come to Jabalpur at her own request about 3 and ½ years ago and has not completed 4 years. He has further submitted that the applicant has been transferred and relieved on the same date. Although the transfer order is dated 28th April, 2005 and relieving order is 29th April, 2005, both the letters have been handed over to the applicant on 29th April, 2005 itself. He has also submitted that the applicant has not been given a chance of making any representation. Hence, this Original Application is filed.

4. We have given careful consideration to contentions made by the learned counsel for the applicant. The transfer is an incident of service. The law laid down by the Hon'ble Supreme Court is that the Tribunal and the courts cannot interfere unless the transfer is malafide or in violation of statutory guidelines. We find that the applicant is a senior Group 'A' officer and has been transferred within the zone. Kota is a division of West Central Railway zone. She is having all India transfer liability. We therefore, do not find violation of any statutory rules. No ground of malafide has also been raised by the applicant in the petition. As far as giving chance of making representation is concerned, the applicant does not need any direction to be given by this Court for making any representation.

5. Thus, for the reasons recorded above, the Original Application is without any merit and is accordingly, dismissed at the admission stage itself.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman