

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 596 of 2005

Jabalpur, this the 1st day of July, 2005

Hon'ble Shri Madan Mohan, Judicial Member

Katahurlal Ramsahai, son of late Shri
Ramsahai Rao, aged about 58 years,
Junior Clerk, Under SSE (PW) KHBJ,
Railway Station Khanna, Banjari,
Distt. Katni (MP).

.... Applicant

(By Advocate – Shri R.L. Gupta)

V e r s u s

1. Union of India, through Secretary,
Ministry of Railway, Railway Bhawan,
New Delhi.
2. Divisional Railway Manager,
West Central Railway,
Jabalpur (MP).

.... Respondents

O R D E R (Oral)

Heard the learned counsel for the applicant.

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

“(i) to quash the impugned transfer order dated 30.4.2005, passed by the respondent No. 2, as contained in Anneure A-1 transferring the petitioner from Khanna Banjari to Beohari, District Shahdol and further the petitioner be permitted to continue at the present place of posting.”

3. The brief facts of the case are that the applicant is working as a Junior Clerk under the respondents and he is going to retire in the year 2007. The applicant has been transferred from Khanna Banjari to Beohari, District Shahdol. There is no administrative exigency to transfer the applicant. His children are studying at Khanna Banjari in various schools.



The transfer of the applicant is illegal and against the instructions issued by the Government from time to time in the matter of transfer. The wife of the applicant is also suffering from heart disease and she is taking treatment in Katni. The treatment of the applicant's wife is not possible at the transferred station Beohari. In this regard the applicant has submitted a representation dated 9.6.2005 (Annexure A-2) which is still pending for consideration. The learned counsel for the applicant argued that the respondents be directed to consider the said representation of the applicant dated 9.6.2005 (Annexure A-2) and also he be allowed to file a fresh representation enclosing the medical certificates of the treatment of his wife with other details, and take a decision and till the representations of the applicant are not decided, he be not disturbed from the present place of posting.

4. Accordingly, I feel that ends of justice would be met if I direct the applicant to file a fresh representation enclosing all the relevant and concerned documents within a period of 15 days from the date of receipt of a copy of this order. I do so accordingly. If the applicant complies with this, then the respondents are directed to consider and decide the said fresh representation of the applicant alongwith the earlier representation of the applicant dated 9.6.2005 (Annexure A-2), by passing a speaking, detailed and reasoned order within a period of one month from the date of receipt of a copy of this order. Till the representations of the applicant are decided by the respondents, he shall be not disturbed from the present place of posting. The learned counsel for the applicant is directed to send a copy of this order as well as the copy of the petition to the respondents immediately.

5. In view of the aforesaid, the Original Application stands disposed of at the admission stage itself.



(Madan Mohan)
Judicial Member