

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH**

CIRCUIT SITTING AT BILASPUR

QA No.277/04

Bilaspur, this the 11th day of May 2005.

CORAM

Hon'ble Mr. M. P. Singh, Vice Chairman
Hon'ble Mr. A. K. Bhatnagar, Judicial Member

James Soren
S/o Late Shri Sylvester Soren
Head Clerk in Railway/
R.P.F. Department
Bilaspur.
R/o Railway Jr. No.656/2
New Loko Colony, Bilaspur. Applicant

(By advocate Shri A.K.Shukla)

versus

1. Union of India through
Secretary
Ministry of Railway
New Delhi.
2. The Director General
R.P.F. Railway Board
New Delhi.
3. The Chief Security Commissioner/
R.P.F.S.E.R.
Garden Reach, Kolkata.
4. The Chief Security Commissioner/
RPF S.E.C.R, Bilaspur.
5. Divisional Security Commissioner/
R.P.F., Bilaspur.

(By advocate Shri M.N.Banerjee for Shri S.K.Jain)

O R D E R (oral)

By M.P.Singh, Vice Chairman

By filing this O., the applicant has claimed the following reliefs;

(i) To direct the respondents to consider the option of the applicant and to post the applicant at the suitable place according to his option and preference made by him.

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(ii) To direct the respondents to transfer the applicant to the place falling within the new zone S.E.Railway (New) as per his first preference at his request.

2. The brief facts of the case are that the applicant who was initially appointed as clerk on 5.7.85 was promoted as senior clerk on 17.7.87. He was subsequently promoted as head clerk on 25.2.91 and was posted for BSP Division and he is presently working as head clerk at the office of Divisional Security Commissioner/RPF/SEC Railway at Bilaspur. While working so, there happened a trifurcation in the previous Railway Zone on 1.4.03 i.e. (1) South Eastern Railway (New) (2) South East Central Railway (3) East Coast Railway. As such, Chief Security Commissioner, Railway Protection Force, South Eastern Railway, Garden Reach, Kolkata called for option of staff under specific form vide his letter dated 22.8.02. The applicant submitted his option in which he opted to be posted in the new zone at South Eastern Railway (New) as his first preference and in his second preference he opted for South East Central Railway, Bilaspur Division. Since there was no vacancy in the grade of Head Clerk on overall strength of the Security Department of SER(New) after re-deployment of posts to the newly created zones, the request of the applicant could not be acceded to. However, the applicant has been allowed to continue at Bilaspur Division of the new South East Central Railway Zone as per his second choice.

3. We have given careful consideration to the rival contentions and we find that the applicant has opted to be posted in the new Zone at South Eastern Railway (New) as his first preference and in his second choice he opted



for South East Central Railway, Bilaspur Division. Since there was no vacancy in the grade of Head Clerk, he could not be posted there and, therefore, he continued to work at Bilaspur. It is the settled legal position that whom to post where comes within the domain of the Executive and Courts/Tribunal cannot interfere in such matters. Therefore, the OA is without any merit and accordingly it is dismissed. However, we hope that the respondents will consider the request of the applicant for a posting at South Eastern Railway, Kolkata sympathetically as and when there is a vacancy in future.

(A.K.Bhutnagar)
Judicial Member

(M.P.Singh)
Vice Chairman

aa.

पूर्णकाल सं ओ/न्या..... जबलपुर, दि.....
प्रिविलेजी नामे दिया—
(1) राधेश, राज अधिकारी, राज अधिकारी, जबलपुर
(2) अनंतेश ली/ली, अनंतेश ली/ली, जबलपुर
(3) पद्मरत्नी श्री/लीजिंग, पद्मरत्नी श्री/लीजिंग, जबलपुर
(4) विनयल, विनयल, विनयल, विनयल, जबलपुर
सूचना एवं अवश्यक कागजानी
D. K. Hunkel, D. R. D. P
I. K. Jaiswal, D. R. D. P
उप रजिस्ट्रार

Issued

19-5-05

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३०५ ३८०५
३८५५६ ३००

उप रजिस्ट्रार

DY. REGISTRAR
केन्द्रीय न्यायालय अधिकारण
CENTRAL ADMINISTRATIVE TRIBUNAL
जबलपुर बंधु, जबलपुर
JABALPUR BENCH, JABALPUR

Issued
22-6-05