

GENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 520 of 2003

Jabalpur, this the 22nd day of August, 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Chittan, Son of Sultan Hussain
Aged-About 59 Years
Occupation-Khalasi/Helper "Railway"
Resident of Near Karanzy Railway Stion.
District-Surguja, Ambikapur (C.G.) APPLICANT

(By Advocate - Shri Pradeep Batra)

VERSUS

1. Union of India
Through General Manager
S.C. Rly (C.G)
2. Assistant Divisional Engineer
S.C. Rly, Manendragarh
District-Koria
3. Section Engineer (Works)
S.C. Rly, Karanzy
District - Surguja Ambikapur (C.G.) RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

ORDER (ORAL)

By Anand Kumar Bhatt, Administrative Member -

The applicant has filed this OA against the order of transfer from Karanzy to Manendragarh vide order dated 24.12.2002 (Annexure-A-4).

2. Facts in brief are that the applicant is working as Khalasi/Helper under the control of ^{according to the applicant A} respondents and he is to retire on 31.1.2004, and as per the rules of the department the transfer should not normally be done during the last 2 years of service before superannuation.

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3. The case had earlier come to the Tribunal and an order was passed in OA No. 162/03 on 13.3.2003 in which the applicant was directed to make a representation to the respondent No. 2 and the respondent No. 2 was directed to pass a speaking and reasoned order within a period of 2 months. Accordingly a speaking order has been passed by the competent authority on 31.3.03 (Annexure-A-3) ^{rejected} in the representation of the applicant.

4. The respondents have not filed their reply. However, Mr. Banerjee, Standing Counsel for the Railways has stated on the basis of available records that the applicant had made frivolous complaints against his colleagues and the transfer has been done on administrative course.

5. We have heard counsel for both the sides and gone through the pleadings. Whereas the right of the department to transfer an employee on administrative grounds is not denied, it is seen that the applicant is going to ~~retirement~~ after 5 months' time and the departmental rules also provided ^{in that} no Railway employee should normally transferred during the last 2 years period of service before superannuation.

6. Without going into the merits of the case, we quash the transfer order dated 24.12.2002 (Annexure-A-4) and allow the applicant to continue at Karanzy till the time of his superannuation. However, it is hoped that the applicant will behave properly during this period. As regards ^{in the} salary of applicant for the intervening

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period, he may make a representation to the competent authority and it may be decided by the competent authority as per rules. The OA stands decided accordingly. Costs easy.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

D. C. Verma
(D. C. Verma)
Vice Chairman (Judicial)

SM

पृष्ठांस्कन सं ओ/व्या.....जवलपुर, दि.....
प्रतिलिपि अच्ये गिरतः--

(1) सचिव, उच्च न्यायालय घार एसोसिएशन, जवलपुर
(2) आक्षेतक श्री/श्रीमती/मु.के काउंसल
(3) प्रस्तुती श्री/श्रीमती/मु.के काउंसल
(4) अध्यपाल, केप्रअ., जवलपुर एवं अधिक
सूचना एवं आकर्षक वार्तावाही देश

P. Balaji Ade
Ma. Bonarsi Ade

Chennai
9.9.03

*Received
10/9/03*