

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, INDORE

O.A.NO.823/1999

Wednesday, this the 19<sup>th</sup> day of February, 2003

***Hon'ble Shri Justice N.N. Singh, Vice Chairman (J)***  
***Hon'ble Shri Govindan S. Tampi, Member (A)***

Smt. Bilaso d/o Niranjan  
R/o Q.No.42-A, Railway Colony  
Bherogarh

(By Advocate: Kumari <sup>Vandana</sup> ~~Vinita~~ Kasrekar) ..Applicant

Versus

1. Union of India through  
Secretary, Ministry of Railway  
New Delhi
2. General Manager  
Western Railway, Church Gate, Bombay
3. Mandal Railway Manager  
Western Railway, Ratlam

(By Advocates: Shri Y.I. Mehta, Senior Advocate with Shri D.S. Patel) ..Respondents

ORDER (ORAL)

***Shri Govindan S. Tampi:***

The applicant, who was initially appointed as Gangman in the year 1979 on daily rated basis, was transferred to Ujjain on 17.11.1988. By an order dated 20.8.1989, she was again transferred to Tejpur. She was also sent to Ratlam on transfer by an order dated 28.11.1990. The applicant was thereafter appointed as temporary employee and was posted at Sehore. It is

submitted that the applicant had suffered an accident on 13.7.1998 while she was posted at Ratlam. It is contended that when the applicant recovered from the aforesaid accident, she reported the respondents for duty on 11.10.1998, but the respondents on 13.10.1998 transferred her to Bherogarh, although no transfer order has been received by her enabling her to join Bherogarh. Salary from July, 1998 has also not been received by her. Aggrieved by the action of the respondents, the applicant filed number of representations to the respondents, but of no avail. Legal notice dated 12.11.1999 was also served on the respondents by the applicant, which has met the same fate. Through the present OA, the applicant seeks that the respondents be directed to allow her to perform the duties either at Ratlam or Bherogarh, and to pay the salary from July, 1998.

2. Replying on behalf of the respondents, Shri Y.I. Mehta, learned Senior Advocate has pointed out that the applicant was transferred due to non-availability of work at Ujjan, Tajpur and Ratlam. The respondents state that as the applicant is not a regular employee and has only been granted the temporary status, she can be sent or transferred to the places wherever the work is available. Learned senior Advocate states that the plea of the applicant that she suffered an accident is absolutely wrong, as the medical certificate produced by her is issued by a private doctor not by the Railway Hospital. Shri Y.I. Mehta, senior Advocate states that the applicant is also wrong when she states that she has not received any transfer order. In fact, during the period when she was sick, the respondents had issued the order

transferring her to Bherogarh, but she refused to accept the same. The respondents pray that the OA, therefore, should be dismissed.

3. During the oral submissions before the Tribunal, learned counsel for the applicant has stated that the applicant was willing to join her duties at Bherogarh, whereto she was posted and the respondents be directed not to place any embargo on her joining duties.

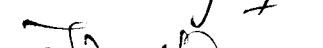
4. In view of the averment made by the applicant's learned counsel, the OA is disposed of with the direction to the respondents to permit the applicant to rejoin her duties at Bherogarh when she appears for the purpose. The respondents are at liberty to deal with her subsequently as is provided in law, if so advised. No costs.

(Govindan S. Tampi)  
Member (A)

/sunil/

  
(N.N. Singh)  
Vice Chairman (J)

पूछांकन सं ओ/न्या..... जबलपुर, दि.....  
परिविधि अवधि डित:-  
(1) रायगढ़, रायगढ़ वार एसोसिएशन, जबलपुर  
(2) लालकिंडा, लालकिंडा के काउंसल  
(3) लालकिंडा, लालकिंडा के काउंसल  
(4) वाराणसी, वाराणसी काउंसल  
सूचना उन उपर्युक्त काउंसली हैं

  
उप सचिव  
28/2/03

Issued  
28/2/03