

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.152/2005 with MA No.192/2005.

Jaipur, this the 5th day of October, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.

Gulam Mohammed
S/o Sh. Khuda Bux,
Aged about 58 years,
R/o Chuli Gate, Near Chetna Public School,
Gangapur City,
District Sawaimadhopur.

... Applicant

By Advocate : Shri Vinod Goyal.

Vs.

1. Union of India through
General Manager,
Western Central Railway,
Jabalpur,
Madhya Pradesh.
2. The Divisional Railway Manager,
Western Central Railway,
Kota.
3. The Station Manager,]
Western Central Railway,
Gangapur City.

... Respondents.

By Advocate : Ms. Dilshad Khan proxy counsel for
Mr. S. P. Sharma

: O R D E R :

The applicant has filed this OA thereby praying for
the following reliefs :-

- (i) That by an appropriate order or direction the
impugned order dated 7.3.2005 (Annexure A/1)
qua applicant may kindly be quashed and set
aside.

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- (ii) That by an appropriate order or direction the respondents be directed to post the applicant at Gangapur with all consequential benefits assuming that he was never transferred from Gangapur to Bhonra.
- (iii) Any other appropriate order or direction which this Hon'ble Tribunal thinks just and proper may also be given."

2. When the matter was listed for admission on 12.4.2005, this Tribunal granted ex-parte interim stay thereby directing the respondents to maintain the status quo qua the applicant. The interim stay was granted on the premises that as per Seniority list dated 8.1.93 (Annexure A/4), the name of applicant figured at Sl. No.3 and whereas in the provisional seniority list dated 27.1.2005 (Annexure A/6) his name has been shown at Sl. No.14 much below Shri Ram Prasad and Shyam Lal who are actually very junior to the applicant. On the basis of this seniority list, it was argued that the applicant could not have been declared surplus thereby transferring him vide impugned order dated 7.3.2005 till his seniority was not finalized.

3. Notice of this application was given to the respondents. Respondents in their reply have stated that the seniority list dated 8.1.93 (Annexure A/4) pertains to the grade of Rs.800-1150 whereas the impugned order transferring the applicant pertains to the post of Senior Points Man in the grade of Rs.950-1500. It has been stated in the reply that Shri Ram Prasad was promoted as Senior Points man w.e.f. 1.3.93 vide order dated 6.5.94

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whereas Shri Shyam Lal was promoted to the post of Senior Points Man vide order dated 27.7.99 (Annexure R/4). It is further stated that though initially the applicant was promoted to the post of Senior Points Man vide letter dated 22.5.99 but he had not joined on that post and thereafter he was promoted to the post of Senior Points Man vide order dated 6.2.0~~9~~² purely on ad hoc basis. Thus, from the material placed on record, it cannot be said that the applicant is senior to S/s Ram Prasad and Shyam Lal who were promoted on the post of Senior Points Man much earlier to the applicant.

4. At this stage, Learned Counsel for the applicant submits that the applicant is at the verge of retirement and it will cause undue hardship to him if the order of transfer to Bhonra is implemented. He further argued that he has made representation Annexure A/7 to Respondent No.2 which is still pending. Keeping in view the aforesaid facts, I am of the view that the applicant has not made out any case for the interference of this Tribunal. However, it will be open for the applicant to file fresh representation to the appropriate authority thereby ventilating his grievances and if such representation is made within a period of one week from today, the appropriate authority may consider the said representation and rejection of this OA will not come in their way while deciding the representation of the

applicant on its own. With these observations, the OA is disposed of with no order as to costs. The interim stay granted on 12.4.2005 and continued from time to time shall stand vacated.

5. In view of the order passed in this OA, no order is required to be passed on MA No.192/2005 filed by the respondents for vacation of interim stay, which shall stands disposed of accordingly.


(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C./