

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the December 12th 2006

ORIGINAL APPLICATION NO. 36/2006

CORAM:

HON'BLE MR. Kuldip Singh, Vice Chairman (Judicial)

Babu Lal sain son of Ghansi Ram aged about 51 years posted as Cabin Man, Railway Station, Govindgarh District Alwar. At present posted at Kanota, Tehsil Bassi, District Jaipur.

By Advocate: Mr. B.R. Rana

....Applicant

Versus

- 1 General Manager, Office of the General Manager, North Central Railway, Allahabad.
- 2 Divisional Railway Manager, Divisional Office, North Central Railway, Agra Cantt.
- 3 Divisional Traffic Superintendent, North Central Railway, Agra.
- 4 Station Superintendent, North Central Railway, Govindgarh Station, District Alwar.

By Advocate: Mr. Tej Prakash Sharma

....Respondents.

ORDER (ORAL)

vide order dated 12.09.1995 (Annexure A/1), the applicant who was working as Cabin Man at Govindgarh station was transferred to Badyard. The applicant submits that this order has been issued in malafide exercise of powers by the respondents on the false complaint made by Shri B.S. Mahamana, Station Superintendent of Govindgarh



station. The applicant alleges that on 24.07.2005, the said Mahamana asked the applicant to prepare meals for him and on ~~his~~ refusal ^{by} the applicant, ~~and~~ gave beating to the applicant. The applicant also sent a complaint to Respondent No. 3 in this regard.

2. The applicant further submits that on 25.07.2005, the Station Superintendent took sick leave and went to Agra where he made complaint to respondent No. 3 against the applicant and the applicant was directed to report at Badyard at Agra. For which he was also issued duty passes on 02.08.2005 so that he could travel from Govindgarh to Agra Cantt to join his duty at Badyard. Thereafter, a formal order of his transfer was issued on dated 12.09.2005. The applicant submits that order of transfer reflects that how a false complaint is made by the Station Superintendent and a verbal order of transfer has been made ^{which stands established} after issuance of the journey passes. ^{but before the formal written order was issued to}

3. The applicant has also made representation against the said order. This representation has not been decided.

4. Notices of this application was issued to the respondents on 25.01.2006. Respondents took sufficient time to file reply. The respondents in their reply also submitted that transfer is made on the basis of complaint alleged against the applicant and passes were issued in order to hear the applicant on the complaint made against him. However, it was also admitted that the representation of the applicant is also pending. The learned counsel for the respondents further submits that since the applicant did not appear before the authority when he was called to give his explanation, the order of transfer was issued.

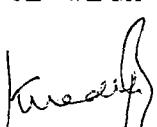
5. The fact remains that whether the passes were issued to the applicant to join the duty or to explain his conduct against the complaint made against him. I do not enter into this controversy since the representation of the applicant is stated to be pending. It would be appropriate to direct



the competent authority to dispose of the representation of the applicant against the transfer order made by him within a period of one month from the date of receipt of a copy of this order. Order should be speaking order which should also comment as to how the said duty passes were issued on 02.08.2005 and 05.08.2005 when the order of transfer was issued on 12.09.2001. The present OA should be treated as supplementary representation which shall also disposed of while passing order on this representation.

6. Thus I direct the respondents to dispose of the representation of the applicant against the transfer order within a period of one month from the date of receipt of a copy of this order and meanwhile, the applicant be allowed to resume his duty at Govindgarh station.

7. With these observations, the OA is disposed of with no order as to costs.


(KULDIP SINGH)

VICE CHAIRMAN

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