

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.74/2006.

Jaipur, this the 2<sup>nd</sup> day of March, 2006.

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

Purushottam Das Sharma,  
S/o Shri Ghanshyam Das Sharma,  
Aged about 53 years,  
R/o 379, Vidyut Nagar-A, Ajmer Road,  
Jaipur.

... Applicant.

By Advocate : Shri Vikrant Gupta.

Vs.

1. Union of India  
Through its General Manager,  
North Western Railway,  
Jaipur.
2. The Senior Divisional Commercial Manager,  
North Western Railway,  
Jaipur.
3. The Divisional Railway Manager (Establishment),  
North Western Railway,  
Jaipur.

... Respondents.

**: O R D E R (ORAL) :**

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

"(i) to quash and set aside orders dated 28.9.2005, 27.1.2006 and 14.2.2006.

(ii) The respondents may be directed to allow the applicant to work as Head Booking Clerk at Jaipur Station.

(iii) Any other relief which this Hon'ble Tribunal deems fit and proper in the facts and circumstance of the case may also be granted in the favour of applicant.

(iv) Any prejudicial order if passed during pendency of this Original Application may kindly be taken on record and be quashed and set aside."

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2. Briefly stated, the facts of the case are that the applicant while on the post of Head Booking Clerk at Jaipur station was transferred to Srimadhapur Station vide impugned order dated 28.9.2005. It is further pleaded that subsequently he was temporarily transferred to Durgapura Station vide order dated 7.2.2006, which order has also been superseded vide another order dated 14.02.2006. The applicant has submitted that he has also made representation to the authorities which was rejected on the ground that there is no post of Head Booking Clerk lying vacant at Jaipur. Learned Counsel for the applicant has pleaded that the representation of the applicant has been rejected arbitrarily as still there are number of posts of Head Booking Clerk lying vacant at Jaipur where the applicant can be adjusted. Learned Counsel for the applicant has also drawn my attention to the averment made in Para 4 & 5 (B) of the OA whereby the applicant has pleaded that his case has been arbitrarily dealt with and he has been discriminated in the matter of transfer as person with longer stay has been allowed to remain at Jaipur, whereas he has been transferred to Srimadhapur Station.

3. Heard the Learned Counsel for the applicant at length. Learned Counsel for the applicant submits that in view of the fact that the vacancy of Head Booking Clerk is still lying vacant at Jaipur where the applicant can be adjusted, he propose to make representation before

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the appropriate authorities and further prays that he does not want to press this OA at this stage. In view of the submission made by the Learned Counsel for the applicant, the applicant is permitted to withdraw the OA with a liberty reserved to him to make representation to the appropriate authority regarding his grievances and hardship which he is facing. Accordingly, the applicant is directed to make fresh representation to Respondent No.2 with a copy of it to Respondent No.3. Within a period of 7 days from today. In case the representation is made by the applicant within the aforesaid period, it is expected that the appropriate authority will consider the matter sympathetically within a period of four weeks and more particularly that when the applicant was transferred he has not completed a tenure of 4 years and his name was also not included in the list of proposed transfer.

4. With these observations, the OA is disposed of.



(M. L. CHAUHAN)  
JUDICIAL MEMBER

P.C./