

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

Jaipur, the October, 18, 2006

ORIGINAL APPLICATION NO. 87/2006

CORAM:

**HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN**

Sualal son of Shri Telia aged about 53 years, resident of Hameerpura, Kachi Basti, Tonk Road, Sawai Madhopur (Rajasthan) at present employed on the post of Head TTE, Central Western Railway, Kota Division Kota.

By Advocate: Mr. Shiv Kumar

...Applicant

Versus

- 1 Union of India through its General Manager, Central Western Railway, Jabalpur.
- 2 The Divisional Commercial Manager, Central Western Railway, Kota Division, Kota.
- 3 Chief Tickert Inspector, Central Western Railway, Kota Division, Kota.

By Advocate: Mr. V.S. Gurjar

.... Respondents.

ORDER (ORAL)

The applicant has filed this OA to assail the order dated 02.03.2006 (Annexure A/1) vide which he has been relieved / transferred from Kota to Jabalpur.

2. The applicant has challenged the order dated 02.03.2006 on the ground that his service has been satisfactory on the post of Head TTE at Kota. However, a vigilance was conducted and the applicant was caught by the vigilance. The applicant was put under suspension on



18.08.2005 which was later on revoked. A charge sheet was issued to the applicant. However, the applicant was taken back on duty. The applicant further alleges that his son is studying in the B.A. First Year at Sawai Madhopur. Besides that, he has also contended that Railway Board has issued a circular wherein it has been <sup>stated</sup> ~~held~~ that the non-gazetted railway staff <sup>against</sup> whom disciplinary case is pending should not normally be transferred from one Railway /division to another Railway division till after the finalization of the departmental proceedings, irrespective of whether the charges merit imposition of a major or a minor penalty. The applicant has also contended that since the inquiry proceedings are going on smoothly, there is no likelihood of ~~being tempered~~ <sup>any</sup> evidence or creating any pressure on witnesses and even if the applicant is kept at Kota for the purpose of inquiry, this will not effect the inquiry proceedings. The applicant further contends that he should be kept at Kota and should not be transferred from Kota to Jabalpur.

3. The respondents are contesting the OA. The respondents in their reply have submitted that the applicant has been transferred from Kota to Jabalpur on administrative grounds, keeping in view the administrative interests. The applicant has been posted in the same pay scale and on the same post. The respondents have also stated that there will be no adverse impact on the applicant's carrier by virtue of this transfer as his seniority will be maintained. The respondents have also stated that as regards the inquiry is concerned, the same can continue at the new place of posting also.

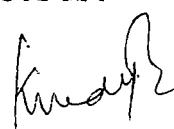
4. I have heard the learned counsel for the parties and have gone through the records of the case.

5. The applicant's case has no merit. Even the circular mentions that non gazetted staff against whom a

KW

disciplinary case is pending should not normally be transferred from one railway division to another railway division. Thus I find that the provisions of the circular suggests that a person against whom disciplinary proceedings are pending should not normally be transferred from one Railway division to another division but if the interest of service requires, then such person can be transferred. The ground taken by the applicant that his son <sup>is studying in</sup> ~~can not~~ to stop the transfer.

6. The learned counsel for the applicant submitted that the applicant should not be transferred from one railway division to another division. In my view, this plea has no merit. The applicant has been transferred in the same pay scale and on the same post and his seniority is not effected by virtue of his transfer. Thus I find that the entire OA has no merit and is liable to be dismissed. The OA is accordingly dismissed with no order as to costs.

  
(KULDIP SINGH)  
VICE CHAIRMAN

AHQ