

**02.08.2007**

**OA No.213/2007**

Mr. Sunil Samdaria, Counsel for applicant.

Mr. Anupam Agarwal, Counsel for respondents Nos. 1 & 2.

Mr. Nand Kishore, Counsel for respondent No. 3.

Heard the learned counsel for the parties. The OA is disposed of by a separate order.

*Shukla*  
**(J.P. SHUKLA)**  
**MEMBER (A)**

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

Jaipur, the 02<sup>nd</sup> day of August, 2007

ORIGINAL APPLICATION NO. 213/2007

CORAM:

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Sh. Prithvi Raj Rawat son of Shri Vijay Singh Rawat aged around 44 years, resident of 'Geetanjali', Teja Chowk, Makhaypura, Ajmer. Presently working as Head Clerk in DRM Office, Ajmer.

By Advocate: Mr. Sunil Samdaria

.....Applicant

Versus

1. Union of India through its General Manager, North Western Railway, Station Road, Jaipur.
2. Divisional Railway Manager (Estt.), Ajmer.
3. Ram Singh Meena, Head Clerk, Settlement Section, DRM Office, Ajmer.

By Advocate: Mr. Anupam Agarwal (Respondent nos. 1 & 2)  
Mr. Nand Kishore (Respondent No. 3)

.....Respondents

**ORDER (ORAL)**

Applicant has filed this OA feeling aggrieved by the order dated 07.06.2007 (Annexure A/1) whereby he has been transferred from Settlement Section, DRM Office, Ajmer to Regional Railway Training Institute Udaipur.

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2. Learned counsel for the applicant submitted that applicant has been transferred from Ajmer to Udaipur vide impugned order dated 07.06.2007 only to accommodate respondent No. 3 as the respondent No. 3 was promoted by the same order dated 07.06.2007 and has been given posting in the Settlement Section, Ajmer vice the applicant.

3. During the course of arguments, learned counsel for the respondent No. 3 has produced the provision in Chapter XXVI Para No. 26.1 of Brochure on Reservation for SC and ST in Railway Services which reads as under:-

**"26.1 Representation in Personnel Branch.** – There should be adequate representation of Scheduled Castes and Scheduled Tribes in the Personnel Branches in Headquarters and Divisional Offices, even by transfer of staff. Their representation in these Branches should not be less than 15 per cent for Scheduled Castes and 7-1/2 per cent for Scheduled Tribes or local percentages prescribed for initial recruitment. While posting Scheduled Caste/Scheduled Tribe Personnel on recruitment/promotion, opportunity should be taken to increase the representation of Scheduled Castes/Scheduled Tribes in the Personnel Branches even if it necessitates in certain cases, transfer of some of the other juniors from the Personnel Branches."

He further submitted that accordingly to these provisions, the applicant was rightly sent to Udaipur against a vacancy there to manage the work and the respondent No. 3 was thus given posting in Ajmer itself. He has also produced a copy of

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the letter dated 20.06.2007 mentioning therein that one Shri Pradeep Ramchandani, Head Clerk, Ajmer has been expired on 12.06.2007 and submitted that thus a vacancy of Head Clerk has arisen in Ajmer.

4. Normally on promotion the junior-most person is sent outside instead of disturbing the seniors who are already working and, therefore, to certain extent injustice has been caused to the applicant by transferring him from Ajmer to Udaipur. However, in view of the developed circumstances of the case, it is felt that applicant may make a representation to the respondents to adjust him at Ajmer itself in the new arisen vacancy due to sudden death of Shri Pradeep Ramchandani, Head Clerk, and the respondents in the interest of justice may sympathetically consider his representation and decide the same by passing a reasoned and speaking order as it seems that prima-facie some injustice has been caused to him.

5. Accordingly, the applicant is directed to make a representation within a period of seven days from the date of receipt of a copy of this order, which the respondents shall

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decide ~~it~~ within a period of two months from date of receipt of such representation by passing a reasoned and speaking order. The respondents are also directed not to disturb the applicant from his present posting till his representation is decided.

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



(J.P. SHUKLA)  
MEMBER (A)

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