

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

3

APPLICATION NO.: _____

Applicant(s) *Agam Lal*

Respondent (s) *no 9 & on*

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p><u>4.4.07</u></p>	<p><u>OA 98/2007</u></p> <p>Mr. Rajesh Vahora, Counsel for applicant. Mr. Himesh Singh, Counsel for respondents.</p> <p>Heard the learned counsel for the parties. The OA stand disposed of by a separate order alongwith OA 37/2007.</p> <p><i>(S.P. Phule)</i> M(A)</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th day of April, 2007

ORIGINAL APPLICATION NO.37/2007

AND

ORIGINAL APPLICATION NO.98/2007

CORAM :

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

Agamlal,
Dispensary Peon,
O/o Chief Medical Superintendent,
North West Railways,
Ajmer.

By Advocate : Shri Rajesh Kapoor

... Applicant

Versus

1. Union of India through
General Manager,
North West Railway,
Jaipur.
2. Divisional Railway Manager,
Western Railway,
Ajmer.
3. Chief Medical Superintendent,
North Western Railway,
Ajmer.

By Advocate : Shri Hawa Singh

... Respondents

ORDER (ORAL)

PER HON'BLE MR.J.P.SHUKLA

Being aggrieved by the order dated 30.11.2006, by which the applicant was transferred from Ajmer to Mawli, he earlier filed OA 37/2007. During pendency of the said OA, the

respondents modified the earlier transfer order dated 30.11.2006 and now vide order dated 19.2.2007 the applicant has been transferred from Ajmer to Sojat City, against which the applicant has now filed another OA i.e. OA 98/2007. Both the OAs ie. 37/2007 & 98/2007 are being heard and disposed of together.

2. Heard the learned counsel for the parties and perused the material placed on record.

3. It was argued by the learned counsel for the applicant that the applicant is a low paid employee and as per his knowledge no Class-IV employee has ever been transferred from the office of respondent No.3. Therefore, the order of transfer is due to malafides and extraneous consideration. However, no such specific instructions or documents could be produced by the learned counsel for the applicant. It was also submitted by him that there has been no complaint against the applicant nor any disciplinary proceedings are pending or contemplated. Transfer of the applicant has been made initially to Mawli, which is about 300 Kms far from Ajmer and subsequently the transfer order has been modified by posting him at Sojat, which is nearly 120 kms away from Ajmer.

Sumit

3. Learned counsel for the respondents submitted that no evidence of malafides has been indicated by the applicant and no statutory rules or guidelines on transfer are alleged to have been violated. In fact, on the representation of the wife of the applicant, the administration taking a lenient view have modified the transfer order and the applicant has been posted to Sojat City, which is nearly 120 kms far from Ajmer. He specifically brought to the notice of the Tribunal that the transfer order dated 30.11.2006 was legal and valid as the transfer has been made by the competent authority independently and not

under any pressure of the Union, as has been alleged by the applicant in OA 37/2007. Transfer order was issued purely on administrative ground and it is an incident of service and not a punishment.

4. After having heard the learned counsel for the parties and perusal of the documents placed on record, it is observed that there has been no case of malafides or violation of any statutory rule or guidelines on transfer. No interference by the Tribunal is, therefore, called for and there is no reason to believe that there is any malafide involved. Therefore, both the OAs being without any substance, stand dismissed. No costs.

(J.P. SHUKLA)
MEMBER (A)

vk