

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

| NOTES OF THE REGISTRY | ORDERS OF THE TRIBUNAL |
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| | <p><u>16.04.2008.</u></p> <p><u>OA No. 122/2008 with MA 11/2008</u></p> <p>Mr. Dharmendra Jain, Counsel for applicants.</p> <p><u>MA 11/2008</u></p> <p>This MA has been filed by the applicant thereby praying for filing joint OA.</p> <p>In view of the averments made in the MA, the applicants are permitted to file joint OA.</p> <p>The MA is disposed of accordingly.</p> <p><u>OA 122/2008</u></p> <p>Heard learned counsel for the applicants.</p> <p>The OA is disposed of by a separate order for the reasons dictated therein.</p> <p><i>[Signature]</i> (J.P. SHUKLA) MEMBER (A)</p> <p><i>[Signature]</i> (M.L. CHAUHAN) MEMBER (J)</p> <p>AHQ</p> |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 16TH day of April, 2008

ORIGINATION APPLICATION NO. 122/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

1. Jagdish son of Shri Chinraji Lal, working as Mat under Rail Path Nirikshak-Brijnagar, resident of Brijnagar, Bharatpur.
2. Hari Singh son of Shri Radha Kishan, working as Mat under Rail Path Nirikshak-Brijnagar, resident of Brijnagar, Bharatpur.
3. Ramphool son of Shri Ram Pratap, working as Mat under Rail Path Nirikshak-Brijnagar, resident of Brijnagar, Bharatpur.
4. Chandan son of Shri Narayan working as Keyman under Rail Path Nirikshak-Brijnagar, resident of Brijnagar, Bharatpur.
5. Lal Chand son of Shri Sunda working Gangman under Rail Path Nirikshak-Brijnagar, resident of Brijnagar, Bharatpur.

.....APPLICANTS

(By Advocate: Mr. Dharmendra Jain)

VERSUS

1. Union of India through General Manager, North Western Railway, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Jaipur.
3. The Sr. Divisional Eng. (Head Office), North Western Railway, Jaipur.
4. The Assistant Engineer, North Western Railway, Bandikui.
5. The Rail Path Niriksha, North Western Railway, Brijnagar, Bharatpur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

Applicant has filed this OA thereby praying for the following relief:-

- "(i) The Hon'ble Tribunal may kindly allow this application and may direct the respondents to relieve the applicant in pursuance of the orders dated 30.03.2003 and 06.11.2003.
- (ii) Costs may be quantified in favour of the applicant."

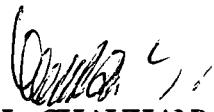
2. The grievance of the applicants is that vide impugned order, they were transferred but the appropriate authority has not relieved them till date. As can be seen from the facts, as stated above, transfer order was issued as far back as on 31.03.2003 and 06.11.2003. Vide these orders, certain persons were also transferred. As per the averment made by the learned counsel for the applicants, the applicants have not been relieved but other persons have been relieved.

3. We are of the view that no such direction can be given to the respondents to relieve the applicants as the orders were issued five years back. In case the applicants have any grievance regarding non implementation of the orders dated 31.03.2003 and 06.11.2003, it was open for the applicants to approach the higher authorities. The applicants have not placed on record any representation whereby they have ventilated their grievances before the higher authorities except that they have made ^{a bald} submission in the OA that they have made such request time & again but respondent no. 5 has not relieved them. Thus, we are of the view that applicants are not entitled to any relief. However, it will be open for the applicants to file appropriate representation before the higher authorities ^{u. which may} look into the matter and pass appropriate order.

4. Accordingly, we are of the view that in case such representation is made within ten days, the appropriate authority will look into the matter and pass appropriate order. However, it is clarified that the decision of this OA will not come in the way of the respondents to grant relief to the applicants.

5. With these observations, the OA is disposed of at admission stage.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ