

Central Administrative Tribunal  
Jaipur Bench, JAIPUR

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ORDERS OF THE BENCH

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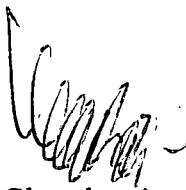
21st July, 2009

OA. 236, 237, 238 & 241 of 2008

Present: Shri C.B.Sharma, counsel for applicants  
Shri R.G. Gupta counsel for Res.No.1 to 2  
Shri Alok Garg counsel for Res. No.3 in OA.236 &  
237/2008 & not in other OAs.)

Heard counsel for the parties.

For the reasons to be recorded separately the aforesaid OAs are  
disposed of.



(M.L.Chauhan)  
Member (Judicial)

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Central Administrative Tribunal  
Jaipur Bench, JAIPUR

OA. 236, 237, 238 & 241 of 2008

This the 21st day of July, 2009

**Hon'ble Shri M.L. Chauhan, Member (Judicial)**

**OA. 236 of 2008**

Khiladi S/o Shri Suraj Mal,  
Aged about 46 years,  
R/o Village and Post Ghasi Nagar, (Bandikui)  
And presently working as Gangmate Gang No.18 under  
Senior Section Engineer (Public Way ) North Central Railway,  
Bandikui.

..... Applicant

(By Advocate:Shri C.B. Sharma)

- *V e r s u s* -

1. Union of India, through General Manager, North Central Zone, North Central Railway, Allahabad (UP)
2. Divisional Railway Manager(P) North Central Railway, Agra Division Agra (UP).
3. Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad (UP).
4. Assistant Divisional Engineer (Line) North Central Railway, Id-gah, Agra (UP)
5. Section Engineer (Public Way) North Central Railway, Badikui.

..... Respondents

(By Advocate: Shri R.G. Gupta counsel for Res.No.1 to 2  
Shri Alok Garg counsel for Res. No.3.

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**OA. 237 of 2008**

Ram Ksihore S/o Shri Guliya,  
 Aged about 38years,  
 R/o Village and Post Ghasi Nagar, (Bandikui)  
 And presently working as Trackman/Gangman No.18 under  
 Senior Section Engineer (Public Way) North Central Railway, Bandikui

.....Applicant

(By Advocate:Shri C.B. Sharma)

- **V e r s u s** -

1. Union of India, through General Manager, North Central Zone, North Central Railway, Allahabad (UP)
2. Divisional Railway Manager(P) North Central Railway, Agra Division Agra (UP).
3. Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad (UP).
4. Assistant Divisional Engineer (Line) North Central Railway, Id-gah, Agra (UP)
5. Section Engineer (Public Way) North Central Railway, Badikui.

..... Respondents

(By Advocate: Shri R.G. Gupta counsel for Res.No.1 to 2  
 Shri Alok Garg counsel for Res. No.3

**OA. 238 of 2008**

Rameshwar S/o Shri Bhoma,  
 Aged about 46 years,  
 R/o Village and Post Ghasi Nagar, (Bandikui)  
 And presently working as Gateman Gang No.18 under  
 Senior Section Engineer (Public Way ) North Central Railway,  
 Bandikui

.....Applicant

(By Advocate:Shri C.B. Sharma)

- **V e r s u s** -

1. Union of India, through General Manager, North Central Zone, North Central Railway, Allahabad (UP)

2. Divisional Railway Manager(P) North Central Railway, Agra Division Agra (UP).
3. Assistant Divisional Engineer (Line) North Central Railway, Id-gah, Agra (UP)
4. Section Engineer (Public Way) North Central Railway, Badikui.

..... Respondents

(By Advocate: Shri R.G. Gupta counsel for Res.No.1 to 2

**OA. 241 of 2008**

Sita Ram S/o Shri Jaganath,  
Aged about 48 years,  
R/o Village and Post Ghasi Nagar, (Bandikui)  
And presently working as Gangmate Gang No.18 under  
Senior Section Engineer (Public Way ) North Central Railway,  
Bandikui

..... Applicant

(By Advocate:Shri C.B. Sharma)

- **V e r s u s** -

1. Union of India, through General Manager, North Central Zone, North Central Railway, Allahabad (UP)
2. Divisional Railway Manager(P) North Central Railway, Agra Division Agra (UP).
3. Divisional Railway Manager, North Central Railway, Allahabad Division, Allahabad (UP).
4. Assistant Divisional Engineer (Line) North Central Railway, Id-gah, Agra (UP)
5. Section Engineer (Public Way) North Central Railway, Badikui.

..... Respondents

(By Advocate: Shri R.G. Gupta counsel for Res.No.1 to 2

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

By way of common order, I propose these OAs to be disposed of as the basis which resulted into transfer of aforesaid applicants are the same.

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2. Briefly stated, facts of the case are that there was Gurjar Agitation in the State of Rajasthan in the month of May, 2008. The applicants being Gangmate Gang, Trackman, Gangman & Key Man Gang were responsible for the maintenance of railway line. It is the case of the respondents that the applicants who were working in the Agra Division were involved in destructing railway track with a common play wipe of Aandolan and when the complaint to this effect was brought to the notice of General Manager, Allahabad, this resulted into issuance of transfer of the three applicants outside the division from present place of posting whereas applicant in OA. 238/2008 Shri Rameshwar was transferred within the same division. The case of the applicants is that they were not involved in the Gurjar Agitation at all and they being low paid employees, have been transferred at distance of 700 kilometer without any basis. This Tribunal while issuing the notices and keeping in view the fact that applicants are low paid employees and have been transferred at a distance of more than the 700 kilometer from the present place of posting granted ex-parte interim stay and stay has been continued from time to time. Similarly in the case of applicant Shri Rameshwar stay was also granted which has been extend from time to time. Respondents have filed their reply and in the reply respondents have also placed material on record to suggest that, the investigation report which was submitted subsequently also indicates that applicants were involved

in Gurjar Agitation and were found suspect of incident. On other hand, applicants have placed on record statements signed by the villagers as well as railway employee which indicates that applicants were not involved in the agitation as alleged by the respondents.

3. I have heard counsel for the parties and perused the material available on record. The facts remains that applicants in OA No. 236, 237, 238 & 241 of 2008 are low paid employees and vide impugned orders transferred out of the Railway Division to the detrimental of their interest thereby causing hardship to the applicants. Under these circumstances I am of the view that the matter require reconsideration specifically when learned counsel of the applicant has brought to my notice a decision of this Tribunal in OA. No.14/2009 decided on 17.5.2009 **in case of Kishan Lal Gurjar Vs. Union of India** whereby this Tribunal has directed General Manager to consider the matter within one month from the date of receipt of this order and ultimately the General Manager has cancelled the transfer order of Shri Kishan Lal Gurjar.

4. In view of what has been stated above and also facts that Shri Kishan Lal Gurar was also transferred under similarly circumstances i.e. he was stated to have been involved in the Gurjar Agitation and

was transferred on the basis of complained against him, the applicants also require similar treatment.

5. Thus, I am of the view that it is a matter which is required to be remitted back to the General Manager to reconsider the matter sympathetically and pass appropriate order in the matter. Till such order is not passed by the (respondent) General Manager, the interim stay granted by this Tribunal and continued from time to time shall remain operative. Similarly, the case of the applicant in OA No. 238/2008 Shri Rameshwar who was transferred within the same division on the basis of similar facts are also required to be considered in the light of observation made above and interim stay shall also remain operative till passing of such orders.

With the above observations, these OAs are disposed of.



**(M.L. Chauhan)**  
**Member (Judicial)**

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