

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 11th day of December, 2008

ORIGINAL APPLICATION NO.487/2008

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Hargian Singh,
Technician Grade-I under CDO,
C&W, NWR,
Jaipur.

... Applicant

(By Advocate : Shri Shailendra Srivastava)

Versus

1. Union of India through
General Manager,
North Western Railway,
Hasanpura,
Jaipur.
2. Divisional Railway Manager,
DRM Office, Jaipur Division,
North Western Railway,
Jaipur.
3. Sr.Dvl.Personnel Officer,
Jaipur Division,
North Western Railway,
Jaipur.
4. Shri Ramesh Kumar Mangalram,
Technician Grade-I,
C&W, Jaipur Division,
North Western Railway,
Jaipur.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA against the order dated 11.9.2008 (Ann.A/1), by which the respondents have issued a "Name Noting" list of the employees of Group-C category of C&W Department, who are willing to get them transferred from their present place of posting to the place of their choice at their own request. By filing this OA, the applicant has prayed for the following relief :

- "a) It is therefore most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to quash and set aside the impugned order dated 11.9.2008 (Ann.A/1) to the extent of Technician Grade-I, wherein name of the petitioner has wrongly been inducted below co-respondent No.4 for the purpose of transfer at own request.
- b) That respondents may further be directed to prepare Name Note register afresh in respect of the Technician Grade-I for the purpose of transfer at own request and may be directed to place the name of the petitioner above all in the list to be prepared afresh for the reason that petitioner had submitted his application for transfer earlier to co-respondent No.4 and may also be directed to pass transfer order accordingly in terms of list to be prepared on first come first basis if any to be passed in future."

2. Brief facts of the case are that the applicant came to Jaipur on transfer from Rewari as Technician Grade-I on 1.9.2006 and on the same date he submitted an application for his transfer back to Rewari, at own request, and got his name noted in the 'Name Noting Register' maintained by the respondents. Grievance of the applicant is that the respondents have inducted his name in the 'Name Noting Register' below the persons who submitted their applications later i.e. on 6.9.2006, whereas the applicant had submitted his application on 1.9.2006. For this discrimination, the applicant submitted a representation to the respondents on 24.10.2006 (Ann.A/4). The respondents thereafter issued a list of employees who got their name registered for transfer at own request, wherein name of the applicant finds place at S.No.21, whereas the persons who submitted their applications later have been placed from S.No.8 to 20. The applicant raised an

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objection in this regard vide his representation dated 26.9.2008 (Ann.A/7), which is still pending consideration before respondent No.3. Since objection/representation of the applicant is still pending consideration before respondent No.3, without entering into the merit of the case I am of the view that it will be in the interest of justice if a direction is given to respondent No.3 to decide the aforesaid objection/representation of the applicant by passing a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. Ordered accordingly. It is, however, made clear that the applicant will be at liberty to approach this Tribunal again if he feels aggrieved by the order to be passed on his representation.

3. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(B.L. KHATRI)
MEMBER (A)

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