

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE TRIBUNAL


2-07-2009

OA.126/2009

Present: Shri P.N.Jatti, counsel for applicant
Shri Anupam Agarwal, counsel for respondents

Heard the learned counsel for parties.

For the reasons to be dictated separately the OA is
disposed of.


(M.L. Chauhan)
Member (Judicial)

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**Central Administrative Tribunal
Jaipur Bench, JAIPUR**

OA No.126/2009

This the 2nd day of July, 2009

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

**Pawan Kumar Upadhyaya S/o
Shri Shiv Kumar Upadhyaya
Aged about 53 years
R/o Quarter No.T-3,
Railway Station Mandpia (NWR)
District Bhilwara,
Presently under transfer from Rly. Station
Mandpia (Bhiwara) Applicant**

(By Advocate: Shri P.N.Jatti)

- Versus -

- 1. Union of India through the General Manager, North West Railway, Jaipur**
 - 2. Divisional Railway Manager North Western Railway Ajmer.**
 - 3. Station Superintendent Railway Station Mandipa District Bhilwara.**
 - 4. Senior Divisional Operation Manager O/o Divisional Railway Manager Ajmer.**
 - 5. Station Superintendent, Railway Semari.**
- Respondents**

(By Advocate: Shri Anupam Aggarwal)

ORDER (Oral)

**The applicant has filed this OA thereby challenging the
impugned order dated 19.12.2008 whereby he has been
transferred to Semari from Mandpia.**

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2 The grievance of the applicant is that he has been transferred in order to adjust Shri Ram Khilari Meena, who has been transferred in place of applicant on his own request. Further grievance of the applicant is that the study of his daughter is going to suffer.

3 * Notice of this application was given to the respondents. The respondents have filed their reply. In their reply they have stated that the applicant was transferred in the administrative exigencies as the post of Sr. Superintendent can not be left unfilled.

4. Learned counsel for applicant has filed his rejoinder in which the applicant has stated that in case transfer of applicant was necessary in administrative exigencies he could have been adjusted to a nearer stations like Hamigarh, Dhuwala and Gangrar or some other nearest place so that education of the applicant's children may not suffer.

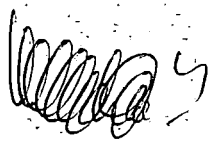
5. I have heard counsel for the parties and perused the material available on record. Since the applicant has already joined pursuant to impugned order dated 19.12.2008, as such, I am of the view that impugned order need not be interfered. In case the applicant has any grievance as stated above, it is for the appropriate authority to consider such request and for that purpose it is always open for the

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applicant to make representation. Accordingly, it will be permissible for applicant to make appropriate representation to the appropriate authority, which will be considered by the respondents sympathetically.

6. In view of what has been stated above, in case applicant makes representation to the Divisional Railway Manager North Western Railway Ajmer i.e. Respondent No.2 regarding his grievances and hardship faced on account of impugned transfer, applicant shall make such representation within a period of two weeks from today. In that eventuality respondent No.2 shall ~~shall~~ entertain the same and pass an appropriate order in that regards within a period of two months from today.

7. In view of observations made hereinabove, the OA stands disposed of with no order as to the costs.


(M.L. Chauhan)
Member (Judicial)

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