

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

ORDERS OF THE TRIBUNAL

06.04.2009

OA No. 131/2009

Mr. S. Shrivastava, Counsel for applicant.

Heard learned counsel for the applicant.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 06th day of April, 2009

ORIGINAL APPLICATION NO. 131/2009

CORAM:

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

Vinay Kumar Jain son of Shri Mahaveer Prasad Jain aged about 45 years, resident of Quarter No. M-332/B, Railway Colony, Bandikui. Presently working as Pharmacist-I under Medical Superintendent, Bandikui.

.....APPLICANT

(By Advocate: Mr. S. Shrivastava)

VERSUS


1. Union of India through General Manager, North Western Railway, In front of Railway Hospital, Hasanpura Road, Jaipur,.
2. The Chief Medical Superintendent, Jaipur Division of North Western Railway, Jaipur.
3. The Sr. Divisional Personnel officer, Jaipur Division of North Western Railway, DRM Office, Jaipur.

.....RESPONDENTS

(By Advocate : -----)

ORDER (ORAL)

This OA has been filed against the order 31.03.2009 (Annexure A/1) whereby the applicant who was holding the post of Pharmacist-I at Bandikui has been transferred to Sikar. It has been brought to the notice of the Bench by the learned counsel for the applicant that as per the Policy of the Railway Board dated 26.06.2000 (Annexure A/3), the Railways have laid down policy of transfer of the employees holding sensitive post and non sensitive post. He had also brought to the notice of the Bench a letter dated 23.02.2006 (Annexure A/4) whereby it has been clarified that the post of Pharmacist is not a sensitive post as per the Railway Board policy dated 26.06.2000 and employees holding sensitive posts are required to be transferred every four years. The said policy also bifurcated the employees into two categories (a) where transfer of the employees may as far as possible be effected without involving a change of residence of the staff



concerned and (b) where change in seat which will result in change in the nature of job of the employee concerned will meet the requirement of periodical transfer. The applicant has also explained the difficulties which will be faced by the family on account of his transfer. The applicant has also filed a representation dated 01.04.2009 (Annexure A/6), which is still pending.

2. Having regard to the facts and policy of the Railway, it is considered it necessary to direct respondent no. 3 to decide the representation of the applicant dated 01.04.2009. Operation of order dated 31.03.2009 (Annexure A/1) is stayed till representation of the applicant is decided. In case the applicant is aggrieved by the order to be passed by respondent no. 3, he will be at liberty to approach this Tribunal again.

3. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

AHQ