

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

25.05.2009

OA No. 225/2009 with MA 160/2009

None present for applicant.

List it on 26.05.2009.


(B.L. KHATRI)
MEMBER (A)

AHQ

26.05.2009

OA No. 225/2009 with MA 160/2009

Mr. Nand Kishore, Counsel for applicants.

MA 160/2009

**This application has been filed by the applicants
thereby praying for filing joint OA.**

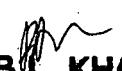
**In view of the averments made in this MA, the
same is allowed. The applicants are permitted to file
joint OA.**

The MA is disposed of accordingly.

OA 225/2009

Heard learned counsel for the parties.

**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 26th day of May, 2009

ORIGINAL APPLICATION NO. 225/2009

CORAM:

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

1. Chhagan R. son of Shri Roopa, aged about 45 years, working as Sr. Khalasi under Permanent Way Inspector (Construction), North Western Railway, Udaipur (Raj.), resident of Temporary Shed Near Mal Godam, Udaipur (Rajasthan).
2. Smt. Sattu R. wife of Shri Chhagan R., aged about 40 years, working as Sr. Khalasi under Permanent Way Inspector (Construction), North Western Railway, Udaipur (Rajasthan), resident of Temporary Shed Near Mal Godam, Udaipur (Rajasthan).

.....APPLICANTS

(By Advocate: Mr. Nand Kishore)

VERSUS

1. Union of India through General Manager, North Western Railway, Hasanpura Road, Jaipur.
2. Chief Administration Officer (Construction), North Western Railway, Jaipur.
3. Divisional Railway Manager, North Western Railway, Ajmer.
4. Dy. Chief Engineer (Construction), North Western Railway, Ajmer.
5. Permanent Way Inspector (Construction), North Western Railway, Udaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

This OA has been filed against the order dated 18.02.2009 whereby applicant no. 1, Shri Chhagan R., Khalasi has been transferred from Deputy Chief Engineer (Construction), Ajmer to the office of Deputy Chief Engineer (Construction)II, Dausa and applicant no. 2, Smt. Sattu R., Khalasi has been transferred from Deputy Chief Engineer (Construction) Ajmer to Deputy Chief Engineer (Construction) III, Jaipur.

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2. Learned counsel for the applicant has submitted that prayer of the applicants in this OA is similar to the prayer of the applicants in OA No. 187/2009 [Mathur & Others vs. Union of India & Others] which was decided through order dated 08.05.2009. He, therefore, requested that similar direction should also be given to the respondents in this case.

3. Learned counsel for the applicant had relied upon Railway Board Circular dated 14.01.1975 (Annexure A/2), according to which employees belonging to SCs/STs should be transferred very rarely and on very strong reasons only. This circular is of binding nature and has been followed in the case of **B.S. Verma vs. Union of India & Others** [1994(1) CAT 91].

4. Learned counsel for the applicant has also submitted that this is a case where husband and wife have been transferred to distant places and as per the instructions of the Railway Board, husband & wife should be allowed to work at the same station as far as possible.

5. Having regard to the facts of the case, I am of the opinion that applicants have made out a case for interference by this Tribunal. Accordingly, respondent no. 2 is hereby directed to decide the representation of the applicants dated 10.04.2009 (Annexure A/5) within a period of two months from the date of receipt of a copy of this order after considering all the contentions raised in this OA. In case the applicants have not so far been relieved, the operation of the impugned order dated 18.02.2009 (Annexure A/1) in respect of the applicants of this OA is stayed upto expiry of period of 15 days from the date of order on the representation of the applicants. In case the applicants are aggrieved by the order to be passed by respondent no. 2, they are at liberty to approach this Tribunal again.

6. With these observations, the OA is disposed of at admission stage with no order as to costs.

(B.L. KHATRI)
MEMBER (A)