

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

4.6.2009

OA 240/2009

Mr. Nand Kishore, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.


(B.L.KHATRI)
MEMBER (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 4th day of June, 2009

ORIGINAL APPLICATION No.240/2009

CORAM :

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

Gulab M,
Gangman under
Chief Permanent Way Inspector (Construction),
North Western Railway,
Udaipur.

... Applicant

(By Advocate : Shri Nand Kishore)

Versus

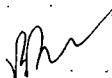
1. Union of India through
General Manager,
North Western Railway,
Hasanpura Road,
Jaipur.
2. Chief Administrative Officer (Construction),
North Western Railway,
Jaipur.
3. Divisional Railway Manager,
Western Railway,
Ratlam (MP).
4. Chief Permanent Way Inspector (Construction),
North Western Railway,
Udaipur.

... Respondents

(By Advocate : ---)

ORDER (ORAL)

PER HON'BLE MR.B.L.KHATRI



The applicant has filed this OA against the order dated 18.2.2009 (Ann.A/1), wherein his name appears at S.No.6 and whereby he has been transferred from the office Deputy Chief Engineer (Construction), Ajmer, to the office of Deputy Chief Engineer (Construction), Headquarter, Jaipur. Through this OA, the applicant has prayed for the following relief :

- "i) That the transfer order dated 18.2.2009 (Ann.A/1) issued by the respondent No.2 as far as applicant is concerned may be declared unreasonable, capricious, arbitrary, bad-in-law and against the Railway Board Policy and be quashed and set aside.
- ii) The respondent No.2 may be further directed to relieve the applicant to work in the division i.e. Ratlam Division where his lien is being maintained so that they may obtained further promotion as due to him.
- iii) The respondent No.2 may be further directed to keep the applicant at Udaipur only if work exist there and if there is no work for the applicant he may be relieved to join under Ratlam Division where his lien is being maintained."

2. Learned counsel for the applicant submitted that prayer made by the applicant in the present OA is similar to that made in OA 225/2009, decided on 26.5.2009, wherein also the order dated 18.2.2009 [Ann.A/1 in the present OA and Ann.A/1 in OA 225/2009] had been challenged.

3. Learned counsel for the applicant also submitted that the transfer order dated 18.2.2009 (Ann.A/1), passed by respondent No.2, is contrary to the Railway Board's directions which are statutory in nature. He referred to the Railway Board's instructions No.RB/Estt.No.92/2004 dated 26.4.2004 (Ann.A/2), whereby it has been decided that while the proposal to provide lien to these staff in Divisions/Units wherever they are physically working cannot be accepted as the same will adversely affect the seniority and promotion of existing staff in the relevant Divisions/Units, the staff concerned may continue work in Divisions/Units wherever they are working till such time it is convenient to them and the administration during which time they would continue to be considered for

selections/promotions in the Divisions/Units where they hold lien.

4. Learned counsel for the applicant has also filed a medical certificate in respect of applicant's mother, Smt.Gattu Bai w/o Shri Madho Ji Mali, aged 75 years, suffering from Hypertension and COPD.

5. Learned counsel for the applicant also referred to the representation made by the applicant on 19.4.2009 for cancellation of his transfer (Ann.A/4), addressed to the Chief Administrative Officer (Survey & Construction), Jaipur, which is still pending consideration.

6. I have heard learned counsel for the applicant and perused the record. I am of the opinion that the present OA can be disposed of, at admission stage itself, if a direction is given to respondent No.2 to decide applicant's representation within a specified period. Accordingly, respondent No.2 is directed to decide applicant's representation dated 19.4.2009 (Ann.A/4) within a period of two months. As regards instructions contained in the Board's letter dated 26.4.2004 (Ann.A/2), the applicant will be at liberty to write to respondent No.3 i.e. the DRM, Western Railway, Ratlam, for considering his case for grant of seniority and promotion, as lien and seniority is maintained by respondent No.3. In case the applicant feels aggrieved by the orders to be passed by the respondents, he will be at liberty to approach this Tribunal again.

7. With these observations, the OA stands disposed of at admission stage itself. No costs.


(B.L.KHATRI)
MEMBER (A)

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