

21.12.2009

Case No. 565/2009
**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

21-12-2009

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)

(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 21st day of December, 2009

ORIGINAL APPLICATION NO. 565/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

R.G. Garg son of Late Shri Chadmal Gupta aged about 54 years, resident of A-130, Mahesh Nagar, Jaipur. Presently posted as SSE (W) S-1, Jaipur Division, Jaipur.

.....APPLICANT

(By Advocate: Mr. Shaileendra Shrivastava)

VERSUS

1. Union of India through General Manager, North Western Railway, Near Railway Hospital, Hasanpura Road, Jaipur.
2. Divisional Railway Manager (Jaipur Division), North Western Railway, DRM Office, Jaipur.
3. Divisional Personnel Officer, Jaipur Division, North Western Railway, DRM Office, Jaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (CRAL)

The applicant has filed this OA against the impugned order dated 11.12.2009 (Annexure A/1) whereby he has been transferred from Jaipur to Sikar. The case of the applicant is that he was transferred from Bandikui to Jaipur at his own request. Thereafter, he was transferred thrice and now vide impugned order dated 11.12.2009 (Annexure A/1), he has been transferred to Sikar. The applicant has also filed representation dated 16.12.2009 (Annexure A/10) thereby highlighting his personal grievances. The contention raised by the applicant is that since he has not completed tenure of four years of

one post at a particular station, as such his transfer is violative of the guidelines of Government of India, Ministry of Railway, Railway Board letter No. E(NG)I/2000/TR/17 dated 26.06.2000 (Annexure A/6). Further grievance of the applicant is that he has been transferred to Sikar solely on the ground that he has obtained ex-parte stay order dated 08.12.2008 in OA No. 484/2008 against an illegal and arbitrary order of recovery to be made from his salary.

2. We have heard the learned counsel for the applicant at admission stage. We have also perused the transfer guidelines vide Railway Board's letter dated 26.06.2000 (Annexure A/6). From perusal of the said guidelines, it is evident that Railway employees holding sensitive posts are required to be transferred every four years. Admittedly the applicant is working against the sensitive post. From the material placed on record, it is also evident that the applicant is working at Jaipur w.e.f. 13.01.2006 till the impugned order dated 11.12.2009 (Annexure A/1) has been passed. Thus the applicant has almost completed four years of service at same station though on different posts. Who should be transferred where is a matter to be considered by the appropriate authorities. It is not permissible for us to interfere in transfer order unless the order of transfer is made in violation of statutory rules or is a malafide exercise of power. This being not a case of such nature and the applicant has completed almost four years of service at same station, we are not inclined to interfere in the matter. So far as the personal grievances of the applicant is concerned, he has also already made representation dated 16.12.2009 (Annexure A/10). We see no reasons, why the appropriate

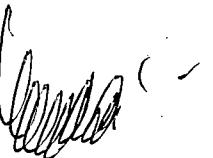
authority shall not consider the request of the applicant sympathetically. The decision so taken shall be communicated to the applicant.

3. Learned counsel for the applicant argued that the applicant has not been relieved till date and he has apprehension that the applicant will be transfer without taking appropriate charge from him. For that purpose, he has drawn our attention to confidential letter dated 22.12.2003 which relates to handing over and taking over the charge in case of transfer of custodians. The said instructions stipulate that a person should not be transferred from one place to another without handing over the charge of material under his custody.

4. We have given due consideration to the submission made by the learned counsel for the applicant. We see no reasons why the appropriate authority will not adhere to the instructions dated 22.12.2003 and relieve the applicant after taking due charge from him.

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


(B.L. KHATRE)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ