

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 23<sup>rd</sup> day of April, 2010.

ORIGINAL APPLICATION NO. 217/2010

CORAM:

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

Vivek Sharma son of Late Shri Vishnu Kant Sharma, aged 39 years.  
Presently working as an Enquiry Cum Reservation Clerk, Jaipur  
Station, Jaipur.

.....APPLICANT

(By Advocate: Mr. Tej Kumar Sharma)

VERSUS

1. Union of India through General Manager, North Western Railways, Jaipur.
2. Divisional Railway Manager, North Western Railway, Jaipur.
3. Divisional Railway Manager (Estt.), Jaipur.
4. Smt. Santosh Saini, Enquiry Cum Reservation Clerk, C/o Reservation Office, Jaipur.
5. Shri Sanjay Kapoor, Enquiry Cum Reservation Clerk, C/o Reservation Office, Jaipur.
6. Senior Divisional Commercial Manager, Jaipur Division, North Western Railway, Jaipur.

.....RESPONDENTS

(By Advocate: -----)

ORDER (ORAL)

The applicant has filed this OA against the order dated 12.03.2010 (Annexure A/1) whereby he was transferred from Jaipur to Kishangarh. Learned counsel for the applicant submits that transfer order should have been issued in accordance with the periodical transfer policy framed by the respondents. In this list two other persons namely Mrs. Santosh Saini at Sr. no. 17 and Shri Sanjay Kapoor at sr. no. 21 are above the applicant with longer stay in Jaipur. Therefore, accordance to the transfer policy, they should have been transferred before the applicant. However, vide order dated

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
12.03.2010 (Annexure A/1), the applicant has been transferred from Jaipur to Kishangarh.

2. I have heard the learned counsel for the applicant and perused the record of the case. I find that the applicant has submitted a detailed representation (Annexure A/9) to the Senior Divisional Commercial Manager, Jaipur Division, North Western Railway, Jaipur [Respondent no. 6], which has not so far been decided.

3. In the case of Shilpi Bose vs. State of Bihar, AIR 1991 SC 532, it was held that even if a transfer order is passed in violation of executive instructions or orders, the Courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the Department. Similarly in the case of Union of India & Others vs. S.L. Abbas, AIR 1993 SC 244, it was held that if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration.

4. Therefore, having regard to the judgments of the Apex Court, Respondent no. 6 is directed to decide the representation of the applicant (Annexure A/9) within a period of one month from the date of receipt of a copy of this order. In case the applicant is aggrieved by the order to be passed by Respondent no. 6, he will be at liberty to file substantive OA.

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

  
(B.L. KHATRI)  
MEMBER (A)

AHQ