

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

Jaipur, the 7th day of September, 2010

ORIGINAL APPLICATION No.407/2010

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

Ashok Kumar Bhairwal
S/o Shri Kanhaiya Lal,
R/o Rly. Qr. No.92-C, Double Storey,
Railway Colony,
Alwar (Rajasthan).

... Applicant

(By Advocate : In person)

Versus

1. Union of India through
General Manager,
North Western Railway,
Jagatpura,
Jaipur.
2. Divisional Railway Manager,
North Western Railway,
Power House Road,
Jaipur.
3. Shri Ramnath Meena,
Chief Medical Superintendent,
North Western Railway,
Railway Hospital,
Jaipur.
4. Shri Parvesh Kumar,
Health Inspector,
C/o Station Superintendent,
NWR, Alwar.

... Respondents

(By Advocate : - - -)

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ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA against the order dated 31.8.2010 (Ann.A/1), whereby he has been transferred from Alwar to Jaipur on administrative grounds.

2. Grievance of the applicant is that the said transfer has been affected in order to adjust one Shri Pravesh Kumar (Respondent No.4), who has been directed to join at Alwar vice applicant. It is averred that the applicant was transferred to Alwar at his own request on 5.4.2008 as at the relevant time his wife was working at Harsoli [nearby Alwar]. It is further averred that wife of the applicant has now been transferred from Harsoli to the Govt. Navin Senior Secondary School, Bhagat Singh Circle, Alwar, vide order dated 28.7.2010. Thus, according to the applicant, in view of the Railway Board's instructions dated 2.2.2010 (Ann.A/2), which stipulates that the cadre controlling authority should try to post the employee at the station of the spouse, it was not permissible for the respondents to transfer the applicant.

3. I have heard the applicant, who is present in person. As can be seen from the impugned order dated 31.8.2010 (Ann.A/1), Shri Pravesh Kumar [Respondent No.4] has been adjusted vice applicant at his own request. As such, it cannot be said that transfer of the applicant from Alwar to Jaipur has been affected in public interest or administrative grounds.

4. From the facts stated above, it is evident that wife of the applicant has been transferred to the Govt. Navin Senior Secondary School, Bhagat Singh Circle, Alwar, vide order dated 28.7.2010 and in terms of the policy decision issued by the Railway Board vide letter dated 2.2.2010 (Ann.A/2) it was not permissible for the respondents to transfer the applicant from Alwar. It appears that the competent authority was not aware about posting of the wife of the applicant at Alwar vide order

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dated 28.7.2010 otherwise the situation might have been different. Be that as it may, I am of the view that it is a case where the applicant should make a representation before the appropriate authority at the first instance thereby highlighting his grievances and the appropriate authority shall consider the same in the light of the policy decision of the Railway Board dated 2.2.2010 (Ann.A/2).

5. Accordingly, the applicant is directed to make a representation to respondent No.2 i.e. Divisional Railway Manager, North Western Railway, Jaipur, within a period of seven days and respondent No.2 is directed to decide the said representation by passing a reasoned and speaking order and also keeping in view the Railway Board's Circular dated 2.2.2010 (Ann.A/2). Till the representation of the applicant is not decided by respondent No.2, the applicant shall be permitted to perform his duty at Alwar. Needless to add that in case the applicant feels aggrieved by the order to be passed by respondent No.2, it shall be open for him to file a substantive OA.

6. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(M.L. CHAUDHAN)
MEMBER (J)

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