

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 04th day of November, 2010

ORIGINAL APPLICATION NO. 485/2010

CORAM

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

Ashok Kumar Bhairwal son of Shri Kanhaiya Lal, aged about 31 years, Health Inspector, North Western Railway, Pay Grade 9300-34800 (Grade Pay 4200), resident of Railway Quarter No. 92-C, Double Story Railway Colony, Alwar (Rajasthan).

.....Applicant

(By Advocate: Mr. Nand Kishore)

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 Ram Nath Meena, Chief Medical Superintendent, North Western Railway, Railway Hospital, Jaipur.
4. Shri Parvesh Kumar, Health Inspector C/o Station Superintendent, North Western Railway, Alwar.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

This is the second round of litigation. Earlier the applicant had filed OA No. 407/2010, which was disposed of by this Tribunal vide order dated 07.09.2010, whereby directions were given to the respondent no. 2 to decide the representation of the applicant by passing a reasoned & speaking order and also keeping in view the Railway Board's Circular dated 2.2.2010. The applicant was directed to file representation within a period of seven days. It was further directed that till the representation of the applicant is not decided by respondent no. 2, the applicant shall be permitted to perform his duty

at Alwar. The representation of the applicant was decided on 27.10.2010 pursuant to the aforesaid direction given by this Tribunal, which has been placed on record as Annexure A/9. As can be seen from the order, the respondents have categorically stated that the transfer of the applicant was made on the basis of work and performance of the applicant as General Manager, North Western Railway had inspected the railway station on 16.07.2010 and had expressed his displeasure about the attitude of Health Inspector, Alwar. It is further stated that General Manager, North Western Railway, Jaipur also pointed out that the cleanliness on platforms and toilets was not upto the mark. Thus according to the respondents, it is not in public interest to remain posted the applicant at Alwar even though his wife is posted at Alwar. It has further been stated wife of the applicant carries transfer liability and thus according to the respondents wife of the applicant can request for her arrangement at Jaipur.

2. In view of this specific finding given in the impugned order, the grievance of the applicant cannot be entertained. Further learned counsel for the applicant submits that applicant has been given award of Rs.2000/- for the cleanliness in entire division during the year 2010. He has also pointed out certain Para of the inspection report whereby the working of the applicant was upto the mark and has been appreciated. Thus according to the learned counsel for the applicant, this single observation made by the General Manager cannot found basis for transferring the applicant ignoring other favourable circumstances. Learned counsel for the applicant also submits that the

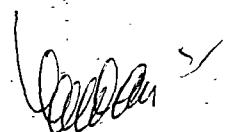
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applicant has not been relieved so far and his performing his duty at Alwar.

3. In view of what has been stated above, I am of the view that it is not permissible for me to substitute the view which has been taken by the Department vis-à-vis the contentions so raised in exercise of power of judicial review. For that purpose, it is open for the applicant to make appropriate representation before the higher authorities highlighting his grievances regarding into all these aspects.

4. Thus in view of what has been stated above, the applicant is directed to file a representation before General Manager within a period of one week from today. In case such representation is made within a period of one week, in that eventuality, the General Manager is directed to consider the representation of the applicant sympathetically by passing a reasoned & speaking order. Till the representation of the applicant is not decided, the respondents are directed to maintain status quo qua the applicant as on today.

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


(M.L. CHAUHAN)
MEMBER (J)

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