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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 26.04.2012

OA No. 196/2011

Mr. Dinesh Chand Sharma, proxy counsel for
Mr. Prahlad Singh, counsel for applicant.
Mr. Anupam Agarwal, counsel for respondent nos. 1 & 2.
Dr. Saugath Roy, counsel for respondent no. 3.

Learned counsel for the respondent no. 3 submits that he has already filed additional affidavit, and the same may be treated as reply on behalf of the respondent no. 3. Thus, pleadings are complete.

Put up the matter on 08.05.2012 for final disposal at this stage. I.R. to continue till the next date.

K.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)

Kumawat

08/05/2012

OA No. 196/2011

Mr. Dinesh Sharma, proxy counsel for
Mr. Prahlad Singh, counsel for applicant.
Mr. Anupam Agarwal, counsel for R-1 & 2.
Dr. Saugath Roy, counsel for R-3

Heard.
O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

K.S. Rathore
[Justice K.S. Rathore]
Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 196/2011

DATE OF ORDER: 08.05.2012

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

Krishna Kumar Sharma S/o Shri Kailash Chand Sharma, aged about 31 years, R/o 16-Sambhar House, Mundia Ramsar, Jaipur-12, working as Health & Malaria Inspector-III, Gorakhpur Junction / Lucknow Div., N.W. Rly.

...Applicant

Mr. Dinesh Sharma, proxy counsel for
Mr. Prahlad Singh, counsel for applicant.

VERSUS

1. The Union of India through the General Manager (P), North-Western Railway, Jaipur.
2. The General Manager (P), North-Eastern Railway, Gorkhapur.
3. Ms. Jyotsna Shukla, Health & Malaria Inspector, Lalgarh, Bikaner Division (NWR), Bikaner.

...Respondents

Mr. Anupam Agarwal, counsel for respondent nos. 1 & 2.
Dr. Saugath Roy, counsel for respondent no. 3.

ORDER (ORAL)

Short controversy is involved in the present Original Application as the Original Application is directed against the transfer order dated 11.03.2011 (Annex. A/1) by which the mutual transfer of the applicant vice respondent no. 3 has been cancelled and approval of the same has been given, and further it is directed to the authorities of the respective railway zones, not to relieve the concerned employees.

2. This Bench of the Tribunal while issuing the notice to the respondents passed an ex-parte interim order dated 24.05.2011



staying the operation of the impugned order dated 11.03.2011 (Annex. A/1), if the same has not been complied with.

3. It is not disputed and it is proved from bare perusal of the pleadings and documents annexed along with the O.A. as well as reply that the respondent no. 3, Ms. Jyotsna Shukla, has not been relieved so far and still she is working as Health & Malaria Inspector, Lalgarh, Bikaner Division (NWR), Bikaner. It is also not disputed that earlier by way of common application, the applicant as well as respondent no. 3 were agreed for mutual transfer. But before execution of the transfer order passed on the mutual transfer application, the respondent no. 3 moved an application for withdrawing her consent as she is going to marry a person, who is working in the Bank at Bikaner (Rajasthan), and later on marriage has been taken place between them. In these circumstances, she has requested the Railway-authorities to revoke his mutual consent for transfer from Bikaner to Lucknow, and the same has been considered and approved by competent authority of the Railways, and pursuant to that, the respondent no. 3 has not been relieved from Bikaner.

4. Having considered the rival submissions made on behalf of the respective parties and upon careful perusal of the pleadings as well as documents available on record, I am not inclined to interfere in such matter where before execution of the mutual transfer order, if one of the party has withdrawn his consent and the same has been considered and approved by the competent authority concerned, and as such the same cannot be said to be contrary to the policy laid down by the Railway Board. In view



of this fact, I find no illegality in the order impugned annexure A/1 dated 11.03.2011, and as such the impugned order dated 11.03.2011 (Annex. A/1) requires no interference by this Tribunal.

5. Consequently, the Original Application being bereft of any merit; fails and the same stands dismissed with no order as to costs.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER