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**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

02.08.2012

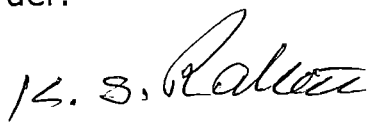
OA No. 426/2012

Mr. S.C. Sethi, Counsel for applicant.

Mr. Anupam Agarwal, Counsel for respondents.

Heard learned counsel for the parties.

The OA is disposed of by a separate order.


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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 2nd day of August, 2012

Original Application No.426/2012

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Mohd. Hussain
s/o Shri Kaloo Khan,
at present posted as Sr. Clerk,,
MOCG Group under CTI,
Gangapur City,
West Central Railway,
Kota Division, Kota,
r/o 209E 40 Quarters,
Mahukalan,
Gangapur City.

.. Applicant

(By Advocate: Shri S.C.Sethi)

Versus

1. Union of India
through General Manager,
West Central Railway,
Jabalpur
2. The Divisional Railway Manager,
West Central Railway,
Kota Division,
Kota Junction.
3. Divisional Personnel Officer,
West Central Railway,
Kota Division, Kota.
4. Chief Ticket Inspector (CTI),
West Central Railway,
Railway Station,
Gangapur City.

5. Hari Mohan Meena,
Sr. Clerk under CTI,
West Central Railway,
Railway Station,
Gangapur City.

.. Respondents

(By Advocate: Shri Anupam Agarwal)

ORDER (ORAL)

Brief facts of the case are that the applicant was transferred from the post of Sr. Clerk in the office of Chief Ticket Inspector (CTI) on the same post in the office of Station Superintendent, Gangapur City by order dated 23.5.2012 (Ann.A/2). The applicant on being placed in the select list was promoted as Office Superintendent in the scale Rs. 9300-34800 with grade pay Rs. 4200 vide order dated 22.12.2011 and posted under SSE (Loco), Kota.

2. It is not disputed that the applicant on being promoted and posted submitted representation dated 21.1.2012 which was received by the respondents on 24.1.2012. As the applicant has refused his promotion, thus vide order dated 7.3.2012 he was debarred from promotion for the post of Office Superintendent for a period of one year i.e. from 21.1.2012 to 20.1.2013.

3. It is also not disputed that respondent No.5 was transferred on his own request and posted in the office of CTI, Gangapur City and from the material placed on record, it reveals that respondent No.5 was transferred and posted vide order dated 14.2.2012, much prior to acceptance of refusal of the applicant, vide order dated 7.3.2012 and respondent No. 5 joined his new posting on 5.3.2012 i.e. prior to acceptance of refusal order dated 7.3.2012.



4. It is further not disputed that the applicant was adjusted and posted in the office of Station Superintendent, Gangapur City i.e. within the same station, same building and same place. In view of this fact, I have considered the submissions made on behalf of the applicant, who has raised several mala-fide allegations against the respondents, but adjusting the applicant in the same station clearly shows that there was no mala-fide intention of the respondents, thus, the mala-fide allegations are not sustainable.

5. Even otherwise, the applicant has raised several mala-fide allegations in the OA against the official respondents without impleading them as party-respondents by name. Therefore, as per settled principle of law, mere assertion of mala-fide will not serve the purpose without impleading the person by name against whom mala-fide has been alleged.

6. In view of above discussions, I am of the view that the respondents have not committed any illegality while accepting refusal of the applicant and after accepting refusal of the applicant, the applicant was adjusted at the same station i.e. Gangapur City itself.

7. Consequently, the OA fails being bereft of merit and the same is hereby dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

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