

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.291/2018

This the 12th day of June, 2018

Gaurangbhai Bhikhabhai Soni
Son of Bhikhabhai Soni
Aged about 21 years
Residing at : 560/A Shreeji Krupa
Opp. Doctor's Chali, Near Gayatri Mandir,
Khokhara, Ahmedabad 380 008. Applicant

(Advocate : Shri P.H.Pathak)

1. Union of India through General Manager
Western Railway, Churchgate, Mumbai 400 020.
2. Divisional Railway Manager (WR)
Western Railway, Ahmedabad Division,
Kalupur, Ahmedabad 380 002..... Respondents

(Advocate : Shri M.J.Patel)

O R D E R – ORAL

Per : Hon'ble Shri Jayesh V. Bhairavia, Member (J)

Learned counsel Shri P.H.Pathak for the applicant submits that the applicant was transferred from Ahmedabad Division to Bhavnagar Division on Inter-Division transfer, which is not permissible as per existing rules and the law laid down by the

Principal Bench of this Tribunal. He further submits that the applicant had submitted his detailed representation dated 23.5.2018 (Annexure A-4 refers) in this regard and the same is pending for consideration.

2. Per Contra; learned standing counsel Shri M.J.Patel for the respondents submits that there is a vigilance case pending against the applicant and the charge sheet for major penalty has already been served upon him. Therefore, due to administrative exigency, the order of transferred was passed.

3. Learned counsel for the applicant submits that the Principal Bench of this Tribunal in the case of *A.K.Gandhi V/s. Union of India* held that Inter-Division transfer is not permissible and the said issue is required to be considered by the competent authority and if appropriate direction at this stage is issued, the applicant will be satisfied.

4. Considering the above submissions, the respondents are directed to consider the pending representation of the applicant along with additional documents including judgments/orders referred by the applicant in accordance with existing rules, policies within four weeks from the date of receipt of a copy of

this order. In the meantime, the transfer order dated 16.5.2018 issued by the respondents is kept in abeyance. The final decision needs to intimate to the applicant and if the decision goes against the interest of the applicant in that case, the respondents are restrained to implement such decision which is required to be taken for a period of ten days.

5. In the light of the above, the OA stands disposed of. No order as to costs.

(J.V.Bhairavia)
Member (J)

Nk