

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.1464/2014

Order Reserved on: 26.11.2015
Order pronounced on 13.01.2016

Hon'ble Shri V. Ajay Kumar, Member (J)

Hanuman Mal,
Aged 58 years
S/o Sh. Dhira Ram
Working as Senior Ticket Examiner
At Delhi Sarai Rohilla Station
R/o 62-A, DCM Railway Colony
Delhi Kishanganj
Loco Shed, Delhi. ... Applicant

(By Advocate: Sh. Yogesh Sharma)

Versus

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Division
State Entry Road
New Delhi.
3. The General Manager
North Western Railway Headquarter
Jaipur (Rajasthan).

4. The Divisional Railway Manager
North Western Railway
Bikaner Division
Bikaner (Rajasthan).

... Respondents

(By Advocate: Shri Kripa Shankar Prasad)

ORDER

By V. Ajay Kumar, Member (J):

The applicant, a Senior Ticket Examiner under the 2nd Respondent-Northern Railway, filed the OA seeking a direction to the respondent to consider his case for transfer back to his parent Division, i.e., Bikaner Division of the North Western Railway by considering his option dated 26.05.2005.

2. The brief facts, as per the OA averments, are that the applicant while working as Ticket Examiner some portion of Bikaner Division, i.e. from Rewari is transferred to Delhi Division on formation of North Western Railway. The staff working as on 01.04.2003 on the aforesaid section stand transferred on the basis of "*as is where is basis*" automatically to Delhi Division. Accordingly, the applicant was also transferred to Delhi Division. While working as such he was promoted as Senior Ticket Examiner.

3. It is the grievance of the applicant that though he submitted Annexure A4 option dated 26.05.2005 seeking transfer to his parent Division, i.e., Bikaner Division, the respondents have not considered the same for all these years. However, the respondents contend that

the alleged Annexure A4 option dated 26.05.2005 is not available in the records of the concerned Section of the Division and that in spite of calling for the same, no response was received by them. It is also stated by the respondents that though the applicant was also asked to furnish the relevant information and documents, he has also not furnished the same.

4. Heard Shri Yogesh Sharma, the learned counsel for the applicant and Shri Kripa Shankar Prasad, the learned counsel for the respondents, and perused the pleadings on record.

5. The respondents vide the impugned Annexure A1 letter dated 02/06.01.2014, stated that, in view of the promotion of the applicant from the post of Ticket Collector to Senior TCR in Delhi Division, if the applicant is still interested his transfer from Delhi Division to Bikaner Division, he may submit the required documents for transfer as TE on reversion from Senior TCR at bottom seniority.

6. The applicant though said to have exercised the option in the year 2005 for transferring him back to Bikaner Division, but even, according to him, he made representation only in the year 2010 and again after accepting the promotion to the post of Senior TCR filed the OA only in the year 2014. He failed to explain why he waited 5 years even to make a representation requesting transfer back to his parent Division. In view of the admitted delay and in view of promotion of the applicant in the Delhi Division, the action of the respondents cannot be found fault with.

7. In the circumstances, we do not find any merit in the OA and accordingly, the same is dismissed. However, this order shall not preclude the applicant from seeking request transfer to Bikaner Division as per Rules. No costs.

(V. Ajay Kumar)
Member (J)

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