

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A.NO. 060/01466/2018 Date of order:- 10.12.2018.

Coram: **Hon'ble Mr. Sanjeev Kaushik, Member (J)**
Hon'ble Mrs.P.Gopinath, Member (A).

Anil Chaudhary s/o Sh. Kishori Lal Chaudhary, working as Chief Booking Supervisor, Railway Station, Chandigarh, r/o House NO.1296, Sector 56, Chandigarh-160055.

.....Applicant.

(By Advocate :- Mr. Sandeep Siwatch)

Versus

1. Union of India through General Manager, Northern Railways, Baroda House, New Delhi-110 001.
2. Divisional Railway Manager, Northern Railway, Ambala Cantt-133 001.
3. Senior Divisional Commercial Manager of the Railways, Ambala Division, Ambala Cantt. 133 001.
4. Sr. Divisional Personnel Officer, Northern Railway, Ambala Division, Ambala Cantt.-133 001.

...Respondents

O R D E R (Oral).

Sanjeev Kaushik, Member (J):

The applicant before this Court assails an order dated 3.12.2018 (Annexure A-1) whereby he has been transferred from Chandigarh to Giddarbaha on administrative grounds.

2. Heard Shri Sandeep Siwatch, learned counsel for the applicant. The applicant has taken various grounds for invalidation of

his transfer. The star one is medical unfitness as declared by the Medical Board of the Railway authorities that he cannot be posted against a particular post, despite that the applicant has now been posted at Giddaraha on that very post, therefore, it is pleaded that the impugned order be set aside.

3. Issue notice to the respondents. Shri Lakhinder Bir Singh, Advocate, accepts notice on behalf of the respondents.

4. Instead of approaching the respondents for withdrawal of impugned order of transfer on the ground, which the applicant is raising before this Court, he rushed to this Court by filing the present petition. This move of the applicant cannot be appreciated because once he is having medical opinion in his favour, he has to approach the department along with documentation for cancelling his transfer to Giddaraha, therefore, we are not inclined to entertain this petition, being pre-mature.

5. Considering the fitness certificate issued by the Medical Board at Annexure A-4, wherein the applicant was declared unfit for certain jobs, which as per the applicant's present post also includes in that category, therefore, we deem it appropriate, at this stage, to direct the applicant to submit a representation within two days to the competent authority, who is further directed to take a call and decide his representation within seven days thereafter, considering his medical status, by passing a speaking and reasoned order. Till the representation is decided by the respondents, the applicant shall be allowed to continue at his present place of posting.

6. With the above directions, the OA is disposed of in limine.

7. Needless to say that the disposal of OA may not be construed as an expression of any opinion on merits of the case.

(SANJEEV KAUSHIK)
MEMBER (J)

(P.GOPINATH)
MEMBER (A).

Dated:- 10.12.2018.

Kks

