

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original application No.040/00422 of 2016

Date of Order: This the 08.03.2019

HON'BLE MRS.MANJULA DAS, JUDICIAL MEMBER
HON'BLE MR.N.NEHSIAL, ADMINISTRATIVE MEMBER

Shri Krishna Nand Sah
 S/O , Sri Mohan Sah,
 Working as Assistant Station Master/DCA
 Damchara Station, Lumding Division, N.F.Railway
 District –Cachar, Pin-788818, Assam

Applicant. ...

By Advocate Mr.M.Chanda

-Versus-

1. Union of India
 Through General Manager
 N.F.Railway, Maligon
 Guwahati-11
2. General Manager(P)
 N.F.Ralway, maligaon
 Guwahati-11
3. Ddivisional Railway Manager(P)
 N.F.Railway, Lumding
 District-Cachar, Pin-788818
 Assam

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Respondents

ORDER (ORAL)**Per Mrs.Manjula Das, Judicial Member:**

This O.A. has been filed by the applicant under Section 19 of the Administrative Tribunals, Act 1985 with the following reliefs.

“8.1 That the Hon'ble Tribunal be pleased to direct the respondents to issue transfer order in favour of the applicant, and thereby he may be spared from LMG division to Katihar Division of N.F.Railway on the basis of his request for such transfer with immediate effect.”

2. Heard Mr.M.Chanda, learned counsel for the applicant perused the O.A and materials placed before us.

3. Learned counsel for the applicant submitted that in pursuant to an advertisement of the Railway Recruitment Board, N.F.Railway, Guwahati, the applicant was selected and appointed as trainee Assistant Station Master on completion of successful training, he had joined as Assistant Station Master on 15.01.2005 at Damchar DRM(P) Lumding Division.

4. Learned counsel for the applicant further submitted that while serving as ASM the applicant submitted several representations dated 12.09.2005 for his inter divisional transfer from Damchara Station of Lumding division of N.F.Railway to Purnea Junction of Katihar Division of N.F.Railway. The name of the applicant was shown at serial No.11 in list for inter-divisional own request transfer and posting.

5. Learned counsel for the applicant further stated that the large numbers of juniors to the applicant have been spared to in violation of the priority list of own request inter divisional/inter zonal transfer and posting.

6. Learned counsel for the applicant further submitted that the juniors of the applicant has already been transferred in pursuance of their own request, but the applicant has been neglecting which is highly arbitrary, illegal and unfair on the part of the Respondents.

7. In the written statement the respondents have contested the claim of the applicant. According to the learned counsel for the Respondents that the applicant has submitted one application for inter division transfer from Damchara Station of Lumding division of N.F.Railway to Purnea Junction of Katihar Division of N.F.Railway. The juniors who are spared from Damchara Division to other division are seniors and the juniors who are spared for inter division transfer from Damchara Division to Purnea Junction within this Railway on out of turn basis in terms of Railway Board's order and GM (P) MLG's order and on medical ground of the staff concerned.

8. Learned counsel for the respondents further submitted that it was clear from Para 226 of IREM Vol.1 that ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. Hence applicant has no right for transfer.

9. Ms.Usha Das, learned Standing counsel for the railways submitted that still there is 119 vacancy of SS/SM/ASM (Unified cadre) in the concerned division and in the meantime, the requirement of the division had been increased for additional 189 Nos. Of ASM's due to opening of new railway lines/section and therefore, applicant could not be released from the Damchara Station of Lumding to Purnea junction of Katihar Division.

10. Learned counsel for the applicant forcefully rebutted the aforesaid contention of the learned Standing counsel for the Railways and submitted that large number of juniors to the applicant have been spared to in violation of the priority list and on those occasions the ground of acute relieving does not speak well of the respondents.

11. In view of the forgoing reasons, we are of the considered view that applicant cannot be made to wait inordinately for effecting his inter railway transfer. Therefore, the respondents are directed to consider the case of the applicant for his inter Divisional railway transfer from

Damchara Station of Lumding to Purnea junction of Katihar Division as expeditiously as possible, but not later than four months from the date of the receipt of this order.

12. The O.A. is disposed of accordingly. There shall be no order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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