

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORIGINAL APPLICATION NO. 291/56/2017

DATE OF ORDER: 13.12.2018

CORAM

**HON'BLE MR. SURESH KUMAR MONGA, JUDICIAL MEMBER
HON'BLE MR. A. MUKHOPADHAYA, ADMINISTRATIVE MEMBER**

Dina Nath Yadav Son of Late Shri Gunni Bha, aged about 57 years, resident of Gali No. 2, Panchwati Colony, Near Adarsh Nagar Railway Station, Ajmer and presently working as Senior Section Engineer, Under Deputy Chief Engineer, Track Machine-II (TMC-II), Railway Station Daurai, North Western Railway, Ajmer.

....Applicant
Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through General Manager, North Western Zone, North Western Railway (Head Quarter), Near Jawahar Circle, Jagatpura, Jaipur-302017.
2. Principal Chief Engineer, North Western Zone, North Western Railway (Head Quarter), Near Jawahar Circle, Jagatpura, Jaipur-302017.
3. Chief Engineer (TMC), North Western Zone, North Western Railway (Head Quarter), Near Jawahar Circle, Jagatpura, Jaipur-302017.
4. Deputy Chief Engineer, Track Machine-II (TMC-II) Railway Station Daurai, North Western Railway, Ajmer.
5. Assistant Divisional Engineer (TMC), Railway Station Daurai, North Western Railway, Ajmer.
6. Shri Pankaj Soin, Deputy Chief Engineer, Track Machine-II (TMC-II), Railway Station Daurai, North Western Railway, Ajmer.

....Respondents
Mr. Anupam Agarwal, counsel for respondents no. 1 to 5.
None present for respondent no. 6.

ORDER (Oral)

Per: Suresh Kumar Monga, Judicial Member

The present Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act,

1985 challenging the order dated 17.01.2017 (Annexure A/1) whereby he has been ordered to be transferred from Ajmer Division to Bikaner Division.

2. Learned counsel for the applicant states that the applicant is due for retirement on 30th September, 2019 after attaining the age of superannuation. He has relied upon a circular RBE No. 48/2012 dated 03.04.2012 issued by the Railway Board wherein a provision has been made that the employees whose retirement is due within one or two years, they should be exempted from the transfers. The fact with regard to the date of applicant's retirement is not disputed by learned counsel for the respondents.

3. In view of the above, the present Original Application is allowed and the impugned order dated 17.01.2017 (Annexure A/1) is hereby quashed. No order as to costs.

**(A. MUKHOPADHAYA)
ADMINISTRATIVE MEMBER**

**(SURESH KUMAR MONGA)
JUDICIAL MEMBER**

Kumawat