

Central Administrative Tribunal
Mumbai Bench, Mumbai

M.A No. 333/2017
In
O.A No. 694/2016

Date of Decision: 05.07.2017

Coram: Hon'ble Shri Justice Dinesh Gupta, Member (J)
Hon'ble Shri R. Ramanujam, Member (A)

Bankelal Yadav
B-02, Gokul Classic,
Gokul Township,
Agashi Road, Virar (West),
Taluka Vasai, Palghar Dist.,
Palghar,
Maharashtra-401 303. **...Applicant.**

(By Advocate Shri R G Walia)

Versus

1. Union of India,
Through: The General Manager,
Western Railway,
Headquarters Office,
Churchgate, Mumbai- 400 020.
2. Chief Security Commissioner,
Railway Protection Force (RPF)
Western Railway,
Headquarters Office,
Churchgate, Mumbai- 400 020.
3. I.G.-cum-Chief Security Commissioner,
Officer of IG-cum-Chief Security Commissioner,
Western Railway,
Headquarter Office, Churchgate,
Mumbai-400020.
4. Security Commissioner-cum-Staff Officer,
Office of IG-cum-Chief Security Commissioner,
Western Railway, Headquarter Office,
Churchgate,
Mumbai-400020. **... Respondents.**

(By Advocate Shri V S Masurkar)

Order(oral)**Per: Hon'ble Shri R. Ramanujam, Member (A)**

Heard both the counsel for the applicant as well as the respondents. The applicant is aggrieved by the impugned order dated 30.09.2016 by which he had been transferred from Mumbai to Bhavnagar (Gujarat). An interim relief was granted by this Tribunal on 07.10.2016 staying the operation of the transfer order. The respondents have now moved an MA (M.A No.333/2017) for vacation of the interim order, justifying the transfer on merits.

2. Learned counsel for the respondents would submit that no valid grievance is made out by the applicant in the OA and his transfer was made in public interest, on administrative exigencies. However, his attention was drawn to Railway Board Circular No. E(O)III/2014/PL/03 dated 10.06.2014 regarding implementation of Hon'ble Apex Court judgment dated 31.10.2013 in WPC 82/2011 in the matter of postings and transfers in Railways. When specifically asked whether the proposal regarding the transfer of the applicant was placed before the relevant committee and its recommendations obtained as stipulated therein, learned counsel for the respondents would admit that no such procedure had been followed. He, however, contends that such procedure was not applicable to the case of the applicant. The applicant is a civilian employee who had been appointed to support uniformed services. As the 'commandant-in-

charge' had not circulated the said instructions for compliance, the question of submitting any such proposal for the consideration of the committee would not arise.

3. We are not satisfied that the applicant does not come under the purview of the circular dated 10.06.2014 as no such exception has been provided for therein for civilians appointed to serve uniformed Services. The said circular is applicable to all railway officers mentioned therein and the applicant is also covered by the same. Transfer of the officers/employees at various levels could only be considered after obtaining the recommendations of the Placement Committee constituted for this purpose.

4. In view of the above, we deem it appropriate to set aside the impugned transfer order. However, the respondents shall be at liberty to follow the due procedure as laid down in the Circular dated 10.06.2014 and consider the matter accordingly.

5. OA disposed of in the above terms. No order as to costs.

(R. Ramanujam)
Member (A)

(Justice Dinesh Gupta)
Member (J)

Ram.