

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
OA/050/00502/16**

Reserved on: 22.07.2019

Date of Order: 23.07.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER  
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

1. Ashok Kumar Raut @ A.K. Raut, son of Late Rajendra Raut, Loco Pilot (Diesel) Goods, At- Patherdih, Crew Lobby of EC Railway under SE (Loco) of Dhanbad Division.
2. Amar Chandra Dey @ A.C. Dey, son of Late B.C. Dey, Loco Pilot (Diesel) Goods, At- Muzaffarpur, Crew Lobby of EC Railway under CCC, Muzaffarpur of Samastipur Division.

.... **Applicants.**

By Advocate: - Mr. S.K. Datta

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The Chief Personnel Officer, EC Railway, Hajipur.
3. The Divisional Railway Manager, EC Railway, Samastipur.
4. The Divisional Personnel Officer, EC Railway, Samastipur.
5. The Divisional Mechanical Engineer (Power), EC Railway, Samastipur.

.... **Respondents.**

By Advocate: - Mr. Priyam Samdarshi

**O R D E R**

**Per Dinesh Sharma, A.M:-** This OA has been filed against the order of the DRM (P), EC Railway, Samastipur dated 17.12.2015 (Annexure A/5) by which the request of the applicant no. 1 for mutual transfer from Dhanbad to Samastipur has been denied in the administrative interest. The applicants claim that this rejection is completely arbitrary, illegal, improper and

unjustified as there is no valid ground or legal provision for not accepting the request for mutual transfer. The applicants have also alleged that the rejection is by an authority who was not competent to take final decision on the matter of mutual transfer.

2. The respondents have filed a written statement in which they have alleged that applicant no. 1, when he was working as Assistant Loco Pilot, Samastipur was involved in several cases of misconduct. Following a massive tool down stride in Samastipur Diesel Shed and lots of complaints it was found necessary to transfer him out of that division for maintaining discipline in the Division. Mutual transfer is not a matter of right. After considering every aspect, his application for transfer from Dhanbad back to Samastipur Division has been rejected in the administrative interest and this has been communicated to the applicant no. 1 vide office letter dated 17.12.2015. The written statement also talks about various cases of indiscipline by applicant no. 1 and a punishment of earlier dismissal from service though he was later reinstated following judicial/Tribunal's intervention. A case (CWJC No. 13116/2005) was said to be still pending before Hon'ble High Court, Patna. Citing all these reasons the respondents have prayed for dismissal of the OA.

3. The applicant no. 1 has filed a rejoinder in which he has denied the allegations of the respondents against him in their written statement. He has stated that he has been acquitted of all the charges against him and no case is presently pending against him.

4. We have gone through the pleadings and heard the learned counsels of both the parties. There is no denying the fact that a transfer (whether mutual or otherwise) is not a matter of right. The controlling authorities are well within their rights to post a person at the place which they consider as best suited in the interest of the organization. The written statement has given ample reasons why the department did not consider it in the administrative interest to post him back to Samastipur Division. We do not see any reason to substitute that judgment with ours. The OA is, therefore, dismissed. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**