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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CA No. 852/2003

New Delhi this the 18th day of September, 2003

Hon'ble Smt.Lakshmi Swaminathan,Vice Chairman (J)

Shri Suresh Kumar Mishra,
S/O Shri Keshav Das Mishra,
R/C 602/B, ISAI Tola, Khati Baba,
Jhansi, working as Ticket
Collector at Mathura.

..Applicant

(By Advocate Shri H.P.Chakravorti)

VERSUS

1. The Union of India through
the Chairman, Railway Board,
Principal Secretary to Govt.
of India, Ministry of Railways,
Rail Bhawan, New Delhi-110001.
2. The General Manager,
Central Railway, Mumbai CST.
3. The Divisional Railway Manager,
Central Railway, Jhansi.

..Respondents

(By Advocate Shri R.L.Dhawan)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan,Vice Chairman (J)

In this application, the applicant has impugned the transfer order issued by the respondents dated 6.7.2002 transferring him from Jhansi Division to Sholapur Division for a period of 10 years.

2. The aforesaid impugned transfer order has been challenged by the applicant in an earlier Original Application (OA 2104/2002) which was disposed of with a direction to the respondents to pass a detail and speaking order on the representation made by the applicant

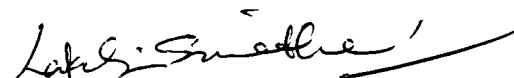
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against the transfer order dated 6.7.2002/9.7.2002. In pursuance of this order, the respondents have passed a detail and speaking order dated 31.1.2003. On a perusal of this order, I am unable to agree with the contention of Shri H.P.Chakravarti, learned counsel that there is any illegality or any ground to justify setting aside that order.

3. Both the learned counsel submit that the penalty order of reduction in rank by the appellate authority, against the applicant after holding a Departmental enquiry under the Railway Servants (Discipline and Appeal) Rules, 1962, is under challenge in another Original Application filed by the applicant (OA 322/2003) which is sub-judice. In the circumstances of the case, reliance placed by the learned counsel for the applicant is squarely on the transfer policy, namely, that the applicant cannot be transferred from one Division to another but only to an adjoining Division, if a request is made to that effect. Taking into account the relevant facts and circumstances of this case, I find no good ground to justify interference in the impugned transfer order dated 6.7.2002 at this stage. The reason why this is stated is because the ground taken by the respondents for passing the aforesaid transfer order is on account of the penalty orders imposed on the applicant ^{by} reducing him in rank, as they have found that the charges levelled against him on vigilance grounds were held proved. That matter is sub-judice before the Tribunal.

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4. Therefore, in the facts and circumstances of the case, I find no good grounds to set aside the impugned transfer order dated 6.7.2002 as prayed for by the applicant. However, the same will be subject to the final outcome of the OA 322/2003. No costs.



(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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