

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2619 OF 2003

New Delhi, this the 28th day of October, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Jasbir Singh
S/o Shri Tara Singh,
Parcel Clerk,
Northern Railway,
Amritsar.

.....Applicant

(By Advocate : Shri B.S. Mainee)

Versus

Union of India
through :

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager
Northern Railway,
Ferozpur.
3. The Station Superintendent,
Northern Railway,
Amritsar.

.....Respondents

ORDER (ORAL)

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicant seeking a direction to the respondents not to relieve him in pursuance to the transfer order dated 25.8.2003 (Annexure A/1) whereby he is being transferred from Ferozpur Division to UMB Division.

2. It is stated by the learned counsel that a chargesheet dated 23.4.2003 (Annexure A/2) was issued to the applicant in which one of the major charges was that the applicant overcharged Rs.4/- from the decoy customer during vigilance check. In the statement recorded on 29.8.2003, the decoy customer has stated

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that the charged officer returned Rs.4/- to him but he did not pick up the same due to heavy rush in queue. The learned counsel stated that Railway Board circular dated 6.2.1978 (Annexure A/5) provides that the general grievance of the members of the staff should be redressed before any transfer. By inviting attention to another Railway Board circular dated 25.3.1967, it was pointed out that non-gazetted staff whose conduct is under investigation should not be transferred from one division to another division till after the finalisation of the departmental proceedings whether the charges ~~merit~~ ^{are} for imposition of major penalty or not. The learned counsel further invited attention even to the fact that the applicant had already made a representation dated 27.8.2003 to respondents no.1 and 2 but no decision has been communicated to the applicant so far. It is, therefore, urged that respondents be restrained from relieving the applicant.

3. After hearing the learned counsel of the applicant and after perusal of the materials available on record, it is considered expedient to dispose of this OA, at this stage without issuing notice to the respondents. Without expressing any opinion on the merits of the claim of the applicant's ^{or} ~~case~~, it is directed that respondents no.1 and 2, to whom representations have already been submitted by the applicant, ^a ~~to~~ take decision keeping in view the Railway Board's circulars in this regard within a

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period of two months from the date of receipt of a copy of this order by passing a reasoned and speaking order under intimation to the applicant.

4. Till such decision is communicated to the applicant, the respondents are directed not to enforce their order dated 25.8.2003.

5. This OA is disposed of at the admission stage itself without any order as to cost.

6. A copy of this order be issued DASTI to the learned counsel of the applicant.



(R.K. UPADHYAYA)

ADMINISTRATIVE MEMBER

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