

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00135/2016

Date of Order : 09.12.2019

C O R A M

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



N.S. Ahmad, son of Late Nawab Ali, Travelling Ticket Inspector, East Central Railway, Mugalsarai.

..... Applicant.

- By Advocate : Shri M.P.Dixit

-Versus-

1. The Union of India through the General Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
2. The General Manager (Personnel), East Central Railway, Hajipur, District- Vaishali (Bihar).
3. The Chief Commercial Manager, East Central Railway, Hajipur, District- Vaishali (Bihar).
4. The Divisional Railway Manager, East Central Railway, Mugalsarai.
5. The Senior Divisional Commercial Manager, East Central Railway, Mugalsarai.
6. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai.

..... Respondents.

By Advocate :- Shri Arun Kumar, Id. ASC

O R D E R [ORAL]

Per Mr. Dinesh Sharma, A.M.:- The instant OA is filed against orders dated 09.11. and 02.02.2016, by which the applicant has been ordered to be transferred from one Railway

Division to another. The applicant has claimed that such transfer are arbitrary, illegal, unjust and also against the Railway Board's orders dated 30.10.1998 and 02.11.1998. The applicant has alleged that as per these Railway Board's orders (RBE 250/1998 and RBE 251/1998 respectively), inter Divisional/inter Railway transfers are permissible only in case of ticket checking staff indulging in mal practices and corruption.



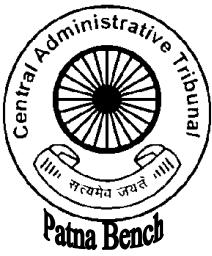
2. The respondents have filed a written statement in which they have denied the claim of the applicant. According to them, all the inter Divisional transfer orders, including that of the applicant dated 09.11.2015 were passed on the recommendations of the HQ Commercial Department and were made after seeking approval of the competent authority. Transfers are administrative decision based on various grounds such as doubt over integrity, illegal gratification, poor performance, industrial dispute etc. In the present case, five lowest performers in ticket checking group from each Division from E.C. Railway have been made purely on the basis of performance. Hence, the OA deserves to be dis-allowed.

3. The applicant has filed rejoinder in which he has reiterated his earlier claim and also quoted the decision of this Tribunal in the case of Abhishek Anand (OA 960/2015) and Shri B.K. Srivastava (OA 535/2016).

4. We have gone through the pleadings and heard the arguments of both the parties. We have also gone through the decision of this Tribunal cited by the learned counsel for the applicant. We find that in similar circumstances, this Tribunal has found that inter Divisional transfers cannot be made on the basis of poor performance alone. We see that in the case of B.K.Srivastava vs. U.O.I. (OA 535/2016), the ten lowest performers were transferred and the Tribunal by its order dated 01.08.2017 quashed such transfer orders as being beyond the scope of RBE 250/1998 and RBE 251/1998. In the same way, this Tribunal, in the case of Abhishek Anand (OA 960/2015) decided on 03.02.2016, has quashed the inter Divisional transfer orders which went beyond the perview of RBE 250/1998 and RBE 251/1998. We find that the facts of this case are exactly similar to the facts of the aforementioned cases. Therefore, the OA is allowed. The order passed for GM (Personnel) Hajipur No. 981/2015 dated 09.11.2015 and the order signed for Divisional Railway Manager (Personnel) dated 02.02.2016, following the order of the G.M., are hereby quashed with respect to the applicant. No costs.

[Dinesh Sharma]
[Administrative Member]

[J.V. Bhairavia]
Judicial Member



Pkl/





