

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.3224/2019

New Delhi, this the 6th Day of November, 2019

Hon'ble Mrs. Justice Vijay Lakshmi, Member(J)
Hon'ble Mr. Pradeep Kumar, Member (A)

Sudhir Kumar Sharma
S/o Sh. Hoti Lal Sharma
R/o H. No.DC-530, Mohan Nagar
Palwal Ward No.3, Haryana.Applicant

(By Advocate: Sh. U. Srivastava)

Vs.

1. Union of India through the General Manager
Northern Railway, Baroda House
New Delhi.
2. The Divisional Railway Manager
New Delhi, O/o The DRM, Northern Railway
Estate Entry Road
New Delhi.
3. Sh. V.K. Singh, Sr. DEE/Coach
O/o The DRM, Northern Railway
Estate Entry Road, New Delhi.
4. Sh. S.D. Khunduri ADEE/Coaching/HZM
Coach Care Centre Hazarat Nizamudin
5. The DOP O/o The DRM New Delhi
Northern Railway, Estate Entry Road
New Delhi. ..Respondents

(By Advocate: Shri Krishan Kan Sharma)

Order (Oral)**Hon'ble Mr. Pradeep Kumar, M(A)**

It was pleaded by the applicant that he has been transferred from Delhi to Meerut. The reasons have not been disclosed for this transfer. The applicant relied upon the Orders passed by this Tribunal in OA Nos:

1. OA No.1831/2004 dated 04.03.2005 (Shri Harpal Singh Kashyap v. Government of NCT of Delhi and Ors.)
2. OA No.440/2002, 408/2003 & 102/2003 dated 11.04.2005- Smt. Kavita Yadav and Ors. etc. v. UOI and Ors.
3. OA No.137/2004 dated 03.12.2004-Dr. Ravi Shankar v. UOI and Ors.
4. OA No.220/2004 dated 04.11.2004-Basant Kumar Mishra v. Union of India & Ors.

2. It is seen that the applicant is posted as SSE Platform(Electrical) at Hazrat Nizamuddin Station. For dereliction of duty, for not inspecting incoming train, so as to identify the defect and take corrective steps, he was issued a minor penalty charge sheet on 03.07.2019 wherein punishment has since been imposed. His appeal was rejected. He preferred a Revision Application to the

Revisionary Authority on 09.10.2019 which has not been decided as yet.

3. Thereafter, a similar incidence again took place in respect of another train on a different date when he did not inspect an outgoing train and there was a defect which lead to passenger complaint and delay in departure after said defect was repaired. A major penalty charge sheet was issued on 28.08.2019 and served upon the applicant on 14.09.2019 wherein the inquiry is still under way.

4. Subsequent to that, another show cause notice for dereliction of duties, wherein several instances have been narrated, was issued to applicant on 11.10.2019, to enable him to submit his defence, was issued.

5. The applicant has now been transferred from Delhi to Meerut. He pleads malafide in this transfer. He also pleads that in his service of around 28 years, no such charge sheet was issued earlier and his services were found to be satisfactory. Feeling aggrieved by this transfer, the present OA has been filed.

6. It is settled law that in Govt. services, one can be transferred in administrative exigencies. An order of transfer is an administrative order. Such transfer orders, should not normally be interfered with. The applicant cannot be given any benefit out of the rulings relied upon by him (para 1 supra), because the facts are entirely different.

7. The applicant's services are of the nature where transfers do take place. He has been transferred within the jurisdiction of Delhi Division from Delhi to Meerut. This Tribunal does not find any merit in the OA. The same is dismissed at the admission stage itself.

There shall be no order as to costs.

(Pradeep Kumar)
Member(A)

(Justice Vijay Lakshmi)
Member(J)

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