

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

ORIGINAL APPLICATION No. 367/2021

ORIGINAL APPLICATION No. 569/ 2021

ORIGINAL APPLICATION No. 570/2021

ORIGINAL APPLICATION No. 573/2021

ORIGINAL APPLICATION No. 580/2021

ORIGINAL APPLICATION No. 600/2021



HYDERABAD, this the 20th day of October, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Original Application No. 367/2021:

1. Netram Mahawar S/o Bhagawan Sahay, aged about 34 years, Occupation: Track Maintainer-II, (Group C), O/o Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Kinvat r/o Railway Colony, Bodhadi, Nanded District.
2. Manoj Kumar Meena s/o Radhakishna, aged About 37 years, Occupation Trackmaintainer II, O/ Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Kinvat r/o Rly. Qtr. No. 111/A, Railway Colony, Adilabad.
3. Dhan Raj Meena s/o Babulal Meena, aged about 32 years, Occupation Trackmaintainer II, O/o Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Kinvat, r/o 106/F, Railway Colony, Adilabad.
4. Ghanshyam Meena s/o Soni Ram Meena, aged about 36 years, Occupation Trackmaintainer IV, O/o Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Selu r/o Railway Colony, Partur Station, JalnaDist.,Maharastra.
5. Bane Singh Jogi s/oBabulal Jogi, aged about 30 years, Occupation Track maintainer II, O/o Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Wasim, R/o Rly. Qtr No.RB-1/102/7, Railway Colony, Kanergaon Naka.
6. Kalua Ram Meena s/o Uniya Ram Meena, aged about 40 years, Occupation Track maintainer II, O/o Senior Section Engineer, P.Way, South Central Railway, Nanded Division, Wasim, R/o Rly.Qtr.NO.RB-1,101/1, Railway Colony, BarshiTakli.

7. Deepak Kumar Sahani s/o Suraj Sahani, aged about 31 Years,
Occupation Trackmaintainer III, O/o Senior Section Engineer,
South Central Railway, Nanded Division, Mudhked, r/o Rly.
Qtr.No. 21/C Railway Colony, Mudhked, Nanded Dist.
...Applicants.

(By Advocate : Mr. K Siva Reddy in OA No. 367/2021)



Vs.

1. Union of India Rep. by
The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
2. The Divisional Manager, South Central Railway,
Nanded Division, Nanded.
3. The Divisional Personnel Officer, Co-ordination,
Nanded Division, South Central Railway, Nanded.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).

Original Application No. 569/2021:

Pradeep Kumar Meena, S/o Malloo Ram Meena,
aged 29 years, Occ: Track Maintainer-IV (Group C)
O/ The Senior Section Engineer (Permanent Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.

... Applicant.

(By Advocate : Mr. K R K V Prasad in OA No. 569/2021)

Vs.

1. Union of India Rep. by
The Secretary, Railway Board,
Ministry of Railway, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The General Manager,
North Western Railway,

Near Jawahar Circle,
Jaipur-302017



4. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Divisional Railway Manager,
South Central Railway,
Guntakal division, Guntakal.
6. The Divisional Railway Manager,
North Western Railway, Bikaner Division,
Bikaner, Rajasthan State.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).

Original Application No. 570/2021:

Mahendra Kumar Meena, S/o Mangu Lal Meena,
aged 32 years, Occ: Track Maintainer-IV (Group C)
Olo The Senior Section Engineer (Permanent Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.

... Applicant.

(By Advocate : Mr. K R K V Prasad in OA No. 570/2021)

Vs.

1. Union of India Rep. by
The Secretary, Railway Board,
Ministry of Railway, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The General Manager,
West Central Railway,
Jabalpur, Madhya Pradesh State.
4. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Divisional Railway Manager,
South Central Railway,

Guntakal Division, Guntakal.

6. The Divisional Railway Manager,
West Central Railway, Kota Division,
Kota, Rajasthan State.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).



Original Application No. 573/2021:

1. Hanuman Prasad Meena, S/o Dhansingh Meena,
aged 38 years, Occ: Track Maintainer-I1, hxc
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
2. Ghanshyam Meena, S/o Jagdish Prasad Meena,
aged 42 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
3. Sugreev Meena, S/o Ramroop Meena,
Aged 35 years, Occ: Track Maintainer-III,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
4. Om Prakash Meena, S/o Ratan Lal Meena,
Aged 43 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
5. Batti Lal Meena, S/o. Ramlal Meena,
Aged 41, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State
6. Kamlesh Kumar Meena, S/o Shiv Lal Meena,
Aged 41 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),

South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.



7. Tejram Meena, S/o lattur Chand Meena,
Aged 35 years, Occ: Track Maintainer-III,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
8. Ashok Kumar Meena, S/o Ramkhiladi Meena,
Aged 31 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
9. Shivsingh Meena, S/o Babu Lal Meena,
Aged 31 years, Occ: Track Maintainer-III,
O/o The Senior Section Engineer (P. Way),
South Central Railway, Guntakal Division,
Mantralayam Road R.S., Andhra Pradesh State.
10. Mukesh Chand Meena,
S/o Bhoru Lal Meena,
Aged 36 years, Occ: Track Maintainer-III,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
11. Vinod Kumar Meena, S/o Rambabu Meena,
Aged 30 years, Occ: Track Maintainer-III,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.
12. Dhara Singh Meena, S/o Ramsahay Meena,
Aged 30 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Kondapuram R.S., Andhra Pradesh State.
13. Ashok Kumar Meena, S/o Chandan Ram Meena,
Aged 34 years, Occ: Track Maintainer-I,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Gooty R.S., Andhra Pradesh State.



14. Sitaram Kumhar, S/o Ghanshyam Kumhar,
Aged 30 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yerraguntla R.S., Andhra Pradesh State.
15. Sahab Singh Meena, S/o Sardar Singh Meena,
Aged 38 years, Occ: Track Maintainer-I,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yerraguntla R.S., Andhra Pradesh State.
16. Harikesh Gurjar, S/o Ramprasad Gurjar,
Aged 31 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.
17. Kaluram Gurjar, S/o Sukhji Gurjar,
Aged 36 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.
18. Dharmraj Meena, S/o Parshu Ram Meena,
Aged 30 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.
19. Munesh Kumar Meena, S/o Lahasanya Meena,
Aged 33 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.
20. Gajraj Meena, S/o Tejram Meena,
Aged 41 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Yadgir R.S., Karnataka State.
21. Devendra Kumar Meena, S/o Ramkaran Meena,

Aged 35 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Adoni, Andhra Pradesh State



22. Naresh Kumar Mahawar, S/o Kishorilal Mahawar,
Aged 32 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Adoni, Andhra Pradesh State.

23. Shivraj Meena, S/o Ramjeelal Meena,
Aged 31 years, Occ: Track Maintainer-II,
O/o The Senior Section Engineer (P.Way),
South Central Railway, Guntakal Division,
Adoni, Andhra Pradesh State

... Applicants.

(By Advocate : Mr. K R K V Prasad in OA No. 573/2021)

Vs.

1. Union of India Rep. by
The Secretary, Railway Board,
Ministry of Railway, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The General Manager,
West Central Railway,
Jabalpur, Madhya Pradesh State.
4. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Divisional Railway Manager,
South Central Railway,
Guntakal Division, Guntakal.
6. The Divisional Railway Manager,
West Central Railway, Kota Division,
Kota, Rajasthan State.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).

Original Application No. 580/2021:

Arshad Ansari, S/o Mohiuddin Ansari,
aged 40 years, Occ: Track Maintainer-III(Group C)
O/o The Senior Section Engineer (Permanent Way),
South Central Railway, Guntakal Division,
Kodur R.S., A.P.



(By Advocate : Mr. K R K V Prasad in OA No. 580/2021)

Vs.

1. Union of India Rep. by
The Secretary, Railway Board,
Ministry of Railway, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The General Manager,
Eastern Railway,
14-16, Government Place(East),
Kolkata-700 069.
4. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Divisional Railway Manager,
South Central Railway,
Guntakal Division, Guntakal.
6. The Divisional Railway Manager,
Eastern Railway, Asansol Division,
Drysdale Rd, Munshi Bazar, Asansol,
West Bengal- 713 301.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).

Original Application No. 600/2021:

1. Jairam Prajapat, S/o Moharpal Prajapat,

aged 35 years, Occ: Track Maintainer-IV (Group C)
O/o The Senior Section Engineer (Permanent Way),
South Central Railway, Guntakal Division,
Yerraguntla R.S, A.P.



2. Devendra Kumar Bairwa, S/o Somotya Ram,
Aged 39 years, Occ: Track Maintainer-IV,
O/o The Senior Section Engineer(Permanent Way),
South Central Railway, Guntakal Division,
Raichur R.S., Karnataka State.

(By Advocate : Mr. K R K V Prasad in OA No. 600/2021)

Vs.

1. Union of India Rep. by
The Secretary, Railway Board,
Ministry of Railway, Rail Bhavan,
New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The General Manager,
North Central Railway,
Subedarganj, Allahabad,
Uttar Pradesh- 211 011.
4. The Principal Chief Personnel Officer,
South Central Railway,
Rail Nilayam, Secunderabad.
5. The Divisional Railway Manager,
South Central Railway,
Guntakal Division, Guntakal.
6. The Divisional Railway Manager,
North Central Railway, Agra Division,
Mall Road, Agra Cantt.,
Agra, Uttar Pradesh- 282 001.

... Respondents

(By Advocate: Mrs. A P Lakshmi, SC for Railways).

ORAL ORDER**(As per Hon'ble Mr. Ashish Kalia, Judl. Member)**Through Video Conferencing:

These Original Applications have been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

Relief sought in OA No. 367/2021:

- i) *It is humbly prayed that the Hon'ble Tribunal may be pleased to declare the inaction of the respondent No.2 & 3 in relieving the applicants 1 to 7 to enable them to join in Agra Division, North Central Railway, Kota Division in West Central Railway and Maldha Division in Eastern Railway on Inter Railway Request Transfer and relieving the employees, who have obtained the NOC later and where the validity of the NOC expires and the said action is arbitrary and illegal and contrary to Rules and violative of Articles 14, 16 & 21 of the Constitution of India and set aside the same.*
- ii) *Consequently, direct the respondents 1 to 3 to relieve the applicants to join in Agra Division, North Central Railway, Kota Division in West Central Railway and Maldha Division in Eastern Railway on Inter Railway Request Transfer and;*
- iii) *And to pass such other order or orders as deemed fit and proper in the circumstances of the case."*

Relief sought in OA No. 569/2021:

- The applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to letter of acceptance dated 21.07.2020 issued by Bikaner Division in the matter of Inter Railway Request Transfer of the applicant; and declare the action of the respondent Guntakal Division in not relieving the applicant to Bikaner Division of North Western Railway before relieving the employees who are below the applicant in the priority list vide order dt. 04.09.2020 as illegal, arbitrary, unjust, discriminatory;*
- ii) *Direct the respondent Guntakal Division to relieve the applicant to Bikaner Division of North Western Railway forthwith and accordingly grant all consequential benefits to*

the applicant and pass such other order or orders as deemed fit and proper in the interest of justice.”

Relief sought in OA No. 570/2021:



The applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to letter of acceptance dated 30.03.2021 issued by Kota Division in the matter of Inter Railway Request Transfer of the applicant; and declare the action of the respondent Guntakal Division in not relieving the applicant to Kota Division of West Central as illegal, arbitrary, unjust, discriminatory;

ii) Direct the respondent Guntakal Division to relieve the applicant to Kota Division of West Central Railway forthwith and accordingly grant all consequential benefits to the applicant and pass such other order or orders as deemed fit and proper in the interest of justice.”

Relief sought in OA No. 573/2021:

i) The applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to the 'No Objection Certificate' issued by Kota Division in the matter of Inter Railway Request Transfer of the applicants;

ii) declare the action of the respondent-railways in not relieving the applicant to Kota Division of West Central Railway as illegal, arbitrary, unjust, discriminatory;

ii) Direct the respondent Guntakal Division to relieve the applicants to Kota Division of West Central Railway in terms of the NOC dated 05.06.2021 and accordingly grant all consequential benefits to the applicant and pass such other order or orders as deemed fit and proper in the interest of justice.”

Relief sought in OA No. 580/2021:

i) The applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to acceptance conveyed vide letter dated 09.08.2019 issued by

Asansol Division along with the revalidated acceptance conveyed vide letter dated 19.03.2021 in the matter of Inter Railway Request Transfer of the applicant; and declare the action of the respondent Guntakal Division in not relieving the applicant to Asansol Division of Eastern Railway before relieving the employees who are below the applicant in the priority list vide order dated 04.09.2020 as illegal, arbitrary, unjust, discriminatory;



ii) Direct the respondent Guntakal Division to relieve the applicants to Asansol Division of Eastern Railway forthwith and accordingly grant all consequential benefits to the applicant and pass such other order or orders as deemed fit and proper in the interest of justice."

Relief sought in OA No. 600/2021:

i) The applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the records pertaining to the approval issued by Agra Division vide letters dated 17.07.2019/09.10.2019 in the matter of Inter Railway Request Transfer of the applicants;

ii) declare the action of the respondent Guntakal Division in not relieving the applicants to Agra Division of North Central Railway as illegal, arbitrary, unjust, discriminatory;

ii) Direct the respondent Guntakal Division to relieve the applicants to Agra Division of North Central Railway forthwith and accordingly grant all consequential benefits to the applicant and pass such other order or orders as deemed fit and proper in the interest of justice."

2. The brief facts of the cases are that the applicants who are working with the respondents on different posts have applied for Inter Railway Request Transfer. The respondents, through the General Manager, recommended the cases and constituted a panel for transfers. The terms and conditions of transfer are that the applicants have to lose their seniority while joining at the new place of posting. This is the policy formulated by the Railways. The applications of the applicants for Inter Railway Request Transfer have been



forwarded to the concerned Railway Divisions and NOCs were issued for relieving of the applicants. But the applicants have not yet been relieved. It is submitted by the learned counsels for the applicants that the respondents have issued priority list of Inter Railway Request Transfer of Track Maintainers on 24.12.2019 and the respondents have relieved other employees in out of turn basis. The respondents have contested the matter and filed reply.

3. The respondents, in their reply, have stated that the candidates who have applied for Inter Railway Request Transfer will be relieved as per the priority and based on the date of receiving applications. The General Manager is the competent authority to approve the one way request transfer on out of turn basis vide RBE No. 139/2018 dt. 17.09.2018. Whereas the applicants have not submitted their representations to the General Manager to relieve them on out of turn basis. It is further submitted that the employees will be relieved on Inter Railway Request Transfer subject to relief, whenever the vacancies are filled through recruitment or any other selection. A number of employees from Track-Maintainer category are required in the department to maintain safety of the track and safe running of the trains in the interest of the public and safety of the public without any hitch.

4. The basic contention raised by the respondents in these applications is that there is no right for the applicants to seek mandatory transfer. The transfer policy is not a statute, it is only a



guideline issued by the respondents and as per the administrative convenience, they can be relieved from time to time based on the date of receipt of application and the approval of the General Manager concerned. The respondents have relied upon the following judgments of the Hon'ble Apex Court in this regard: ***State of UP & Ors. Vs. Gobardhan Lal, SLJ 2004(3) 244(SC); Rajeswar Prasad Singh Vs. Union of India, SLJ 1987(1) CAT 275 & Amar Nath Vasish Vs. Union of India 1987(2) SLR 330 CAT(Jodhpur).***

5. Heard the learned counsels for the parties at length.

6. This Tribunal has already decided the issue in OA No.834/2020 dt. 16.12.2020 in which this Tribunal had directed the respondents to relieve the applicants within a period of six months while considering the Inter-Railway Zonal Transfer. Operative portion of the said order is as under:

“....Keeping in view the interests of the organization and that of the applicants as well the deadline of May, 2021 fixed by Kota Division for the applicants to join, which works out to nearly six months, we direct the respondents to relieve the applicants by May, 2021 or earlier, if possible, depending on the staff strength and operational requirements. We make it clear that the NOC issued would remain operational till they are relieved by May, 2021.”

This matter has been subjected to the judgment of the Hon'ble High Court of Telangana in WP No. 11551/2019 & Ors. dt. 20.04.2021 in which the following directions were issued:

“The Tribunal has already granted six months from the date of the impugned orders.

However, having regard to the facts and circumstances, and the submissions of the learned counsel, we deem it appropriate to grant some reasonable time.

For the foregoing reasons, the writ petitions are dismissed, and the petitioners are granted six months from the date of receipt of a copy of this order for taking steps for relieving the respondents / employees to the transferred places.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.”



7. After considering the rival contentions, this Tribunal is of the view that there is no further point on the issue to be adjudicated by this Tribunal and this Tribunal has already directed the respondents to consider relieving of the applicants in the said OA for joining at the new place of posting within a period of six months. The respondents contended that the applicants have no legal right because transfer is an incidence of service. But that cannot lay foundation for rejection of Inter-Railway Zonal Transfer. This Tribunal is of the view that though it is a guiding factor, the respondents shall upload the priority list of the candidates, who requested for Inter-Railway Zonal Transfer on the internet and the applicants shall be relieved one after another as per the date of receipt of application for the said transfer. This cannot be evaded because though it is a guiding factor, the Railways has its own policy to consider Inter-Railway Zonal Transfers. When the policy guidelines are framed, they have to be followed strictly in a fair and transparent manner. So, this Tribunal is of the view that all the applicants shall be relieved within a period of six months considering the seniority from the date of application for Inter-Railway Zonal Transfer. It is ordered accordingly.

8. NOC issued, is extended till the respondents consider the applications of the applicants and relieve them.

9. At this stage, learned counsel for the respondents, Mrs. A P Lakshmi, submits that there are large number of applicants and it is very difficult to relieve all of them at once. This Tribunal has considered the difficulty and the respondents are directed that this exercise shall be started within a period of two months from the date of receipt of certified copy of this order and in case, any officials are left for consideration, the respondents are at liberty to come before this Tribunal for extension of time, by giving appropriate reasons.

10. With this observation, these OAs are allowed without any order as to costs.



(ASHISH KALIA)
JUDICIAL MEMBER

/Ram./