

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9326 of 2019

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Arun Kumar, Male, aged about 53 years, S/o Late Chhatoo Paswan, Chief Inspector of Ticket, In-Charge, D.C.M. Squad-I, Resident of Mohallah-Gobarsahi, Near Government Primary School, P.O.- Khabra, P.S.- Sadar, Muzaffarpur, Distt.- Muzaffarpur, Pin-842003 (Bihar)

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O.- Digghi Kalan, P.s.- Hajipur (Sadar), Distt.- Vaishali, Pin-844118, Bihar
2. The Chief Commercial Manager East Central Railway, Hajipur, P.O.- Digghi Kalan, P.S.- Hajipur (Sadar), Distt.- Vaishali, Pin-844118, Bihar
3. The Divisional Railway Manager East Central Railway, Sonapur, P.O.- Sonapur, P.S.- Sonapur, Distt.- Saran, Pin- 841101
4. The Senior Divisional Commercial Manager East Central Railway, Sonapur, P.O.- Sonapur, P.S.- Sonapur, Distt.- Saran, Pin- 841101
5. The Assistant Personnel Officer East Central Railway, Sonapur, P.O.- Sonapur, P.S.- Sonapur, Distt.- Saran, Pin- 841101

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Giri, Advocate
For the Respondent/s : Mr. Bijoy Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-04-2019

Heard Shri Raju Giri, learned counsel for the petitioner, who contends that as a matter of fact, the action taken is *mala fide* and to post the petitioner with comparatively lesser duties is clearly a loss of status, hence the Tribunal committed an error in not interfering with the transfer-cum-posting order of the petitioner.



2. The submission is that this practice adopted by the respondents is not uniform and is discriminatory as compared to the posting of other employees and, therefore, to have dealt with the petitioner in such a fashion clearly amounts to violation of Article 14 of the Constitution of India and is not in conformity with the own procedure of the respondents Railways.

3. Having heard learned counsel for the petitioner and having perused the impugned order of the Tribunal, what we find is that alteration of duties or shifting from one table to another has not resulted in any diminution of either status or emoluments of the petitioner. This, therefore, does not amount to violation of a statutory rule that may go to the root of the power of the authority to allocate such duties. It does not suffer from any lack of jurisdiction or exercise of powers that may be said to be wanting with the authorities in making such allocations.

4. We find that the petitioner contends that he has been transferred within a span of 8 months. As explained above and as also recorded in the order of the Tribunal, this is not a transfer in the sense as understood in administrative jurisprudence but is an adjustment of duties by the Railways,



which is well within its power. We are, therefore, not inclined to interfere with the order of the Tribunal.

5. The writ petition is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-

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