

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

W.P.NO.11551, 11579, 11580, 11581, 11582, 11583, 11584, 11585,
11587, 11588, 11589, 11591, 11595, 11596, 11600, 11602, 11603,
11606, 11609, 11676, 11678, 11687, 12138, 12433, 12454, 12456,
12462, 12471, 12605, 12718, 12904, 13254, 14918, 15243, 20894,
20969, 21003 & 21045 OF 2019

COMMON ORDER (Per the Hon'ble Sri Justice A.Rajasheker Reddy)

The issue involved in all these writ petitions is common, and hence they are heard together, and are being disposed of by this common order.

The facts on record would disclose that the respondents in all these writ petitions, who are working in the category of Goods Guards, Electrical Signal Maintainers, etc., respectively, are the applicants before the Central Administrative Tribunal, Hyderabad Bench, Hyderabad. Their applications for inter-zonal transfers were accepted, and the respective zones agreed to take them in their zones, and they are expecting the relieving orders from their present stations.

The Railway administration has given effect to such transfers in case of some similarly situated employees, but in case of some employees, such transfers were not given effect to.

Aggrieved by the same, those employees, whose transfers were not given effect to, approached the Tribunal and the Tribunal allowed such applications. Aggrieved by the same, the Union of India, represented by its Railway Administration, filed W.P.No.31544 of 2016 and batch, and this court, vide order dated 31.10.2017, confirmed the orders of the Tribunals, and dismissed the writ petitions.

The respondents herein, who are similarly situated, and whose inter zonal transfers were accepted, but were not relieved to join in the respective zones, even after lapse of about 6 ½ years of acceptance by the Railway Administration, filed the present O.As., before the Tribunal. The Tribunal, vide the impugned orders, relying on the earlier order of Division Bench of

this court in W.P.No.31544 of 2016 and batch dated 31.10.2017, allowed the applications. Aggrieved by the same, the Union of India, represented by the General Manager, South Central Railway, Rail Nilayam, Secunderabad, filed the present writ petitions.

Sri Prabhakar Peri, learned Standing Counsel for Railways, would submit that respondent – employees have no right to seek transfer to the place of their choice, and no Mandamus can be issued for that purpose. If the respondent – employees, who are working as Goods Guards and in similar such other positions, are relieved immediately at present, the safety of the general public will be in jeopardy, and therefore, it is for the Railway Administration, considering the exigencies of work, to effect such transfers, and this court may not interfere with the same. He further submits that the Tribunal has not considered this issue in proper perspective, and allowed the O.As., and hence the same may be set aside.

Learned counsel appearing for the respondents, supporting the impugned orders, sought for dismissal of writ petitions.

In this case it is be seen that the Division Bench of this court in W.P.No.31544/2016 and batch dated 31.10.2017 considered the identical issue, and allowed the claim of similarly situated employees, and the said judgment has become final, and there cannot be two orders in respect of identically situated employees. Hence, the issue involved in the present case is squarely covered by the above judgment of the Division Bench of this court.

Though the learned Standing Counsel for the Railways does not dispute the above position, tries to submit that the Division Bench has not considered the judgments of Apex Court.

It is to be noticed that the judgment of the Division Bench is inter parties, and when the same has become final, it is binding on the petitioner – Railways, which is a party to the said judgment.

At this stage, learned Standing Counsel for the petitioners Sri Prabhakar Peri, on instructions, submits that eight months time may be given to relieve the respondents/employees.

The same is seriously opposed by Sri G.Jayaprakash Babu, learned counsel for the respondent / employees.

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.

A.RAJASHEKER REDDY,J

DR. SHAMEEM AKTHER,J

DATE:20—04—2021

AVS