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(Reserved on 24.08.2026)

Central Administrative Tribunal, Allahabad Bench, Allahabad

This the 07th day of October, 2026

Hon'ble Mr. Rajnish Kumar Rai, Member (J)

Original Application No. 782 of 2025

Priya Ranjan Kumar

..... Applicant.

By Advocate: Mr. Rakesh Kumar Dixit.

Versus

1. Union of India, through the General Manager, North Central Railway, Headquarter Office, Subedarganj, Prayagraj.

2. Divisional Railway Manager, North Central Railway, Prayagraj Division, Prayagraj.

3. Senior Divisional Personnel Officer, North Central Railway, Prayagraj Division, Prayagraj.

4. Assistant Personnel Officer, North Central Railway, Prayagraj Division, Prayagraj.

5. Senior Divisional Commercial Manager, North Central Railway, Prayagraj Division, Prayagraj.

6. Atul Yadav, Senior Divisional Commercial Manager, North Central Railway, Prayagraj Division, Prayagraj.

..... Respondents.

By Advocates: Mr. Anil Kumar.

Order

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking

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quashing of the impugned transfer order dated 25.07.2025 and the consequential relieving order dated 28.07.2025, with a direction to the respondents to permit him to continue as CCS/CMI, North Central Railway, Prayagraj, with all consequential benefits. The reliefs prayed for by the applicant are as under:-

> *"a. This Hon'ble Court may graciously be pleased to quash and set aside the impugned transfer order dated 25.07.2025 and reliving order dated 28.07.2025 and further direct the respondents to allow the applicant to be remain posted as CCS/CMI, North Central Railway, Prayagraj with all consequential benefits.*
>
> *b. Any other relief, which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case may be given in favour of the applicant.*
>
> *c. Award the costs of the original application in favour of the applicant."*

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2. The brief facts of the case are that the applicant, Priya Ranjan Kumar, was initially appointed under the respondents on 09.10.2014 and has been working as CCS/CMI, North Central Railway, Prayagraj, since 01.04.2019. The applicant has challenged the transfer order dated 25.07.2025, whereby he has been transferred from Prayagraj to Fatehpur, as well as the consequential relieving order dated 28.07.2025. The applicant has pleaded that he has been transferred at different places during his service and has always complied with the orders of the respondents. The applicant has further pleaded that he had gone to his native village after availing three days' LAP from 14.07.2025 to 16.07.2025 and, on 16.07.2025, requested two additional days' LAP for 17.07.2025 and 18.07.2025 through WhatsApp. According to the applicant, the said request was approved by the Senior Divisional Commercial Manager/Coaching, Prayagraj, Shri Himanshu Shukla, by replying "OK". The applicant has further stated that

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he informed the Senior Divisional Commercial Manager/Freight, Prayagraj, about the matter telephonically on 17.07.2025. The applicant has further pleaded that, upon reporting for duty on 21.07.2025, he was called to the chamber of the Divisional Commercial Manager/Freight, North Central Railway, Prayagraj, Shri Atul Yadav, through the peon. Aggrieved by the aforesaid transfer and relieving orders, the applicant has approached this Tribunal by filing the present Original Application.

3. Learned counsel for the applicant submitted that the transfer order dated 25.07.2025 and the consequential relieving order dated 28.07.2025 have not been passed as a routine administrative measure in public interest, but are punitive and arbitrary in nature. Learned counsel submitted that disciplinary proceedings are pending against the applicant and that his transfer from Prayagraj to Fatehpur would result in a change of the competent disciplinary authority, which is impermissible and would adversely affect the disciplinary proceedings. It was further submitted that the Railway Board's instructions/circulars governing transfer and posting have not been followed in the present case. Learned counsel also relied upon the judgments and statutory provisions referred to in the Original Application and submitted that the impugned transfer is vitiated by arbitrariness, mala fides and colourable exercise of power. He, therefore, submitted that the impugned transfer order dated 25.07.2025 and relieving order dated 28.07.2025 deserve to be quashed and set aside.

4. Per contra, learned counsel for the respondents, while opposing the Original Application, submitted that the impugned transfer of the applicant from Prayagraj to Fatehpur

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was made purely on administrative grounds and in view of administrative requirement, particularly on account of development of a new entry and booking office at Fatehpur Railway Station, where there was an urgent requirement of staff and the applicant was transferred against a vacant post. It was submitted that the applicant had been posted in the D.R.M. office since 2019 pursuant to letter dated 12.06.2019 and had completed more than four years at the said place, whereas the general tenure of a railway employee is four years. It was further submitted that the transfer was made pursuant to the recommendation of the Placement Committee and was duly approved by the competent authority. Learned counsel further submitted that the transfer order was issued on 25.07.2025 and, as on that date, no disciplinary proceeding was pending against the applicant, the charge-sheet was issued subsequently on 31.07.2025. It was also submitted that the transfer does not result in any change in the disciplinary authority of the applicant. The respondents, therefore, submitted that the allegation that the impugned transfer was punitive or actuated by mala fide is wholly misconceived and unsupported by the record.

5. In the counter reply, the respondents have denied the allegations of the applicant and stated that the transfer was necessitated by the administrative requirement of the new entry and booking office at Fatehpur Railway Station, where the applicant was posted against a vacant post. It was further stated that the applicant had been working in the D.R.M. office since 2019 for more than four years, and that the transfer was made on the recommendation of the Placement Committee after following the prescribed procedure. The allegation of mala fide against Respondent No. 6 was denied, and it was

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stated that the applicant's leave was required to be sanctioned through the HRMS portal by the competent authority, and mere submission of a leave application did not amount to sanction of leave. The respondents also relied upon the relevant Railway Board instructions and duty arrangements during the training period of the Senior Divisional Commercial Manager. Accordingly, the respondents maintained that the impugned transfer was an ordinary administrative transfer made for bona fide administrative exigency and did not warrant interference by this Tribunal.

6. In rejoinder, learned counsel for the applicant reiterated the averments made in the Original Application and submitted that the impugned transfer from Prayagraj to Fatehpur was not an ordinary administrative transfer, but was punitive and actuated by mala fide considerations. It was contended that the transfer was made on the basis of allegations of misconduct, particularly in connection with the applicant's leave for 17.07.2025 and 18.07.2025, and that the subsequent sequence of suspension, transfer and initiation of disciplinary proceedings indicated a nexus between the alleged misconduct and the transfer. Learned counsel further submitted that the applicant had been working in the Divisional Railway Manager's Office since 2019 and had earlier complied with transfer orders, whereas the present transfer was made on the recommendation of the Senior Divisional Commercial Manager (Freight), Prayagraj. It was also submitted that the applicant's representation against the transfer had not been considered and that the respondents had sought to justify the transfer on the allegation of misbehaviour. Reliance was placed upon the relevant provisions of the Indian Railway Establishment Code, the

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Railway Servants (Discipline & Appeal) Rules, 1968 and Railway Board's Master Circular No. 67 concerning disciplinary authority and impartiality of disciplinary proceedings. Learned counsel, therefore, submitted that the impugned transfer order and consequential relieving order were liable to be set aside.

7. In rebuttal, learned counsel for the respondents submitted that the submissions made in the rejoinder are misconceived and do not dislodge the factual position disclosed in the counter reply. It was submitted that the applicant is attempting to give a colour of punishment to an otherwise bona fide administrative transfer merely because disciplinary action was subsequently initiated against him. Learned counsel pointed out that the impugned transfer order was passed on 25.07.2025, whereas the charge-sheet was issued only thereafter on 31.07.2025, and, therefore, the subsequent disciplinary proceedings cannot be relied upon to infer that the transfer itself was punitive. It was further submitted that the transfer was necessitated by an actual administrative requirement at Fatehpur, where a new entry and booking office had been developed and a vacant post was available, and that the applicant was transferred pursuant to the recommendation of the Placement Committee and approval of the competent authority. The allegation that the transfer was made on account of alleged misconduct was specifically denied, and it was submitted that the applicant has not placed any cogent material on record to establish either mala fide or a punitive intention on the part of the competent authority. Learned counsel further submitted that the applicant's reliance upon the provisions relating to disciplinary authority is misplaced, as the impugned transfer

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did not result in any change in the disciplinary authority and the applicant has failed to demonstrate any prejudice caused to him in the disciplinary proceedings. It was also submitted that mere submission of a leave application or correspondence regarding leave cannot convert a subsequent administrative transfer into a punitive action, particularly when the competent authority had independently considered the administrative requirement and the transfer was made in accordance with the prescribed procedure. The respondents, therefore, submitted that the allegations raised in the rejoinder are founded upon conjectures and subsequent events and furnish no legally sustainable ground for interference with the impugned transfer order.

8. Learned counsel for the applicant placed reliance upon the judgment of the Hon'ble Allahabad High Court, Lucknow Bench, in Dinesh Kumar Pno. No. 182462102 v. State of U.P. through Additional Chief Secretary, Department of Home, U.P., Lucknow and Others, Neutral Citation No. 2023:AHC-LKO:72738, decided on 03.11.2023, wherein a transfer found to be punitive on account of alleged misconduct was quashed. Reliance was also placed upon Somesh Tiwari v. Union of India and Others, (2009) 2 SCC 592, wherein the Hon'ble Supreme Court held that a transfer made by way of punishment or on an irrelevant ground is not sustainable in law. Learned counsel further relied upon Railway Board's letter dated 27.07.2023, RBE No. 74/2023, regarding processing and maintenance of leave through the HRMS Leave Management Module w.e.f. 01.08.2023, and submitted that the impugned transfer, being punitive and connected with the alleged misconduct and leave issue, is liable to be set aside.

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9. I have heard Mr. Rakesh Kumar Dixit, learned counsel for the applicant, and Mr. Anil Kumar, learned counsel for the respondents, at length and carefully perused the pleadings, documents and material available on record.

10. Upon consideration of the rival submissions and the material available on record, the principal issue which arises for consideration is whether the impugned transfer order dated 25.07.2025 was passed as a measure of punishment or was an administrative transfer made in the exigencies of service. The respondents have disclosed specific administrative reasons for transferring the applicant from Prayagraj to Fatehpur, namely, the development of a new entry and booking office at Fatehpur Railway Station, requirement of staff there, availability of a vacant post and the applicant's continued posting in the D.R.M. office since 2019 beyond the stated normal tenure. It has further been stated that the matter was placed before the Placement Committee and the transfer was made after following the prescribed procedure and with approval of the competent authority.

11. It is also relevant to notice, from the pleadings of the parties, that the applicant has relied upon the WhatsApp response "OK" allegedly given by the Senior Divisional Commercial Manager/Coaching, Shri Himanshu Shukla, to contend that his request for additional leave for 17.07.2025 and 18.07.2025 stood approved. However, the respondents, while replying to para 4.8 of the Original Application, have stated that Shri Himanshu Shukla was on training from 14.07.2025 to 25.07.2025 and, during the said period, the administrative work of the Commercial Department was under the charge of Shri Atul Yadav, Senior Divisional Commercial

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Manager/Freight, Prayagraj. The respondents have further stated that the Senior Divisional Commercial Manager/Freight was the competent authority for sanction of the applicant's leave and that, in terms of the Railway Board and North Central Railway instructions, leave was required to be sanctioned through the HRMS portal; mere submission of a leave request did not amount to sanction of leave. According to the respondents, the applicant had not obtained such sanction from the competent authority for the period from 17.07.2025 to 18.07.2025. It is further stated by the respondents that, during the relevant period, the applicant was working as an Outstanding Inspector and the work relating to Outstanding fell within the duty list of the Senior Divisional Commercial Manager/Freight. The applicant's reliance upon the WhatsApp response "OK", therefore, cannot by itself be treated as conclusive proof of sanction of leave by the competent authority.

12. The applicant has placed considerable reliance upon the fact that he was suspended on 21.07.2025 and that disciplinary proceedings were thereafter initiated against him, contending that the transfer was consequently punitive. However, the chronology assumes significance. The transfer order was issued on 25.07.2025, the applicant was relieved pursuant thereto on 28.07.2025, whereas the charge-sheet was issued subsequently on 31.07.2025. Thus, although the suspension preceded the transfer, the formal charge-sheet relied upon by the applicant was subsequent to the transfer order.

13. The reliance placed by learned counsel for the applicant upon Dinesh Kumar Pno. No. 182462102 v. State of U.P. through Additional Chief Secretary, Department of Home, U.P.,

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Lucknow and Others, decided on 03.11.2023, and Somesh Tiwari v. Union of India and Others, (2009) 2 SCC 592, is of no assistance to the applicant on the facts of the present case. The principle emerging from the said decisions that an administrative transfer cannot be used as a substitute for punishment is well settled. In *Dinesh Kumar*, however, the punitive character of the transfer was apparent from the material considered by the Court, as the impugned order itself referred to the recommendation indicating misconduct and inefficiency of the petitioner. The facts of the present case are materially different, as the respondents have placed specific administrative reasons on record and the applicant has not established that the transfer order itself was passed as a punishment or in lieu of disciplinary proceedings.

14. The respondents have specifically pleaded that mere submission of an online leave application does not amount to sanction of leave and that the applicant had not obtained approval from the competent authority before remaining absent on 17.07.2025 and 18.07.2025, as the leave was neither applied for through the HRMS Portal nor sanctioned by the competent authority. They have further relied upon the duty arrangement for the Amrit Bharat Train inauguration programme at Subedarganj and have stated that the applicant was required to perform protocol-related duty. The applicant's allegation that he was deliberately assigned such duty so as to create a ground for action is a disputed factual assertion, unsupported by any independent material sufficient to establish mala fide.

15. The further contention that the Senior Divisional Commercial Manager/Freight, being allegedly connected with the incident, could not have any role in the matter also

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does not render the transfer order illegal. The applicant has relied upon the provisions relating to the disciplinary authority and impartiality of disciplinary proceedings. However, the applicant has not established that the impugned transfer order was itself passed by an authority lacking competence. The respondents have specifically stated that the transfer did not change the disciplinary authority and that the transfer was made pursuant to the administrative process and Placement Committee recommendation. Therefore, the safeguards applicable to disciplinary adjudication cannot, merely on the basis of such allegation, be imported into an otherwise administrative order of transfer.

16. From the aforesaid facts, it is apparent that the alleged WhatsApp response "OK" relied upon by the applicant cannot, by itself, be treated as conclusive proof of sanction of leave by the competent authority, particularly when the respondents have specifically stated that, during the relevant period, the administrative work of the Commercial Department was under the charge of Shri Atul Yadav, Senior Divisional Commercial Manager/Freight, who was the competent authority in respect of the applicant's leave. The applicant's allegation of bias against the said officer, therefore, cannot be accepted merely on the ground that he was involved in the matter relating to the applicant's absence or subsequent disciplinary action. The applicant was transferred pursuant to the administrative process and after approval of the competent authority. Looking to the aforesaid administrative exigency and the requirement of ensuring proper functioning of the concerned work, the action of the respondents cannot, in the absence of specific and cogent

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material, be said to have been actuated by mala fide or to constitute punishment in disguise.

17. The settled position governing judicial review of an order of transfer is that transfer is ordinarily an incidence of service and the Courts/Tribunals do not ordinarily interfere with an administrative transfer made in administrative exigency or public interest. The principles placed before the Tribunal may appropriately be noticed as under:-

> *"• **Transfer is an incidence of service.***
> - *Courts ordinarily do not interfere with transfer orders made in administrative exigency or public interest.*
> - *Interference is warranted only if the transfer is:*
> - *mala fide,*
> - *arbitrary,*
> - *contrary to statutory rules,*
> - *issued by an incompetent authority, or*
> - *punitive in disguise without following due process."*

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18. It is equally well settled that the administrative reasons for transfer must be genuine and relevant and should not be a camouflage for arbitrariness, mala fides or punishment. Vacancy management, staff rationalization, workload distribution, operational requirements and rotation of employees are amongst the considerations falling within the administrative domain of the employer.

19. The aforesaid principles stand reinforced by the judgment of the Hon'ble Supreme Court in Somesh Tiwari v. Union of India and Others, (2009) 2 SCC 592, wherein the Hon'ble Supreme Court observed:-

> *"Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer, which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds — one malice in fact and the second malice in law.*
> *It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is*

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> *another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal."*

20. The allegation of mala fides, therefore, cannot rest merely upon conjecture or presumption. The relevant principle is:-

> *"An allegation of mala fides or malice in fact must rest upon specific and cogent facts; it cannot be founded on mere conjecture or presumption. In the absence of such material, the authority cannot be presumed to have acted with a malicious or ulterior intention."*

21. Keeping the aforesaid principles in view, I have examined the pleadings, documents and material available on record. The respondents have disclosed an identifiable and independent administrative basis for the transfer, namely, the development of the new entry and booking office at Fatehpur Railway Station, requirement of staff, availability of a vacant post and the applicant's continued posting in the D.R.M. office since 2019. The matter was placed before the Placement Committee and the transfer was thereafter approved by the competent authority.

22. On a cumulative consideration of the pleadings, documents and material available on record, I am of the considered view that the impugned transfer cannot be held to be punitive in disguise merely on account of the subsequent initiation of disciplinary proceedings or the applicant's allegations concerning his leave. The respondents have demonstrated a separate and bona fide administrative exigency for transferring the applicant to Fatehpur against a vacant post, and the transfer was processed through the Placement Committee and approved by the competent authority. The applicant has failed to establish any cogent material showing that the impugned transfer was actuated by

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mala fides, was passed as a substitute for disciplinary punishment, or was otherwise vitiated by arbitrariness, violation of statutory rules or incompetence of the authority. The circumstances relied upon by the applicant, considered either individually or cumulatively, do not displace the independent administrative basis disclosed by the respondents. Consequently, no ground is made out warranting interference with the impugned transfer order dated 25.07.2025 or the consequential relieving order dated 28.07.2025.

23. In view of the foregoing discussion, I find no sufficient ground to interfere with the impugned transfer order dated 25.07.2025 or the consequential relieving order dated 28.07.2025. The Original Application, therefore, lacks merit and is liable to be dismissed.

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24. Accordingly, the Original Application is dismissed. The interim order dated 19.08.2025 stands vacated. There shall be no order as to costs.

25. All pending Miscellaneous Applications, if any, stand disposed of.

(**Rajnish Kumar Rai**)
Member (J)

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