

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00056/2018

Dated Wednesday the 17th day of January Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

K.Sekar,
Loco Pilot (Goods),
Villupuram, Trichy Division,
Southern Railway,
Villupuram.Applicant

By Advocate M/s. K. Manickaraj

Vs

- 1.Union of India represented by,
The General Manager, Southern Railway,
Park Town, Chennai 600003.
- 2.The Chief Personnel Officer,
Southern Railway,
Park Town, Chennai 600003.
- 3.The Divisional Railway Manager,
Trichy Division, Southern Railway,
Trichirappalli.
- 4.The Senior Divisional Mechanical Engineer,
Trichy Division, Southern Railway,
Trichirappalli.
- 5.The Divisional Personnel Officer,
Trichy Division, Southern Railway,
Trichirappalli.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“ To call for records relating to the issue of the impugned transfer order dated 05.01.2018 and to declare that the said order of transfer is vitiated by illegality, irregularity being based on malice in law and on facts and accordingly, quash and set aside the impugned order being punitive in character in addition to being in contravention of the provisions of para 4 of the Master Circular no. 24. The applicant be permitted to perform his duties at the Villupuram Depot as hitherto fore.

This Hon'ble Tribunal may be pleased to pass any other suitable order or orders as this Hon'ble Tribunal may deem fit to meet the ends of justice.

It is prayed that the Tribunal may further be pleased to award exemplary and deterrent cost against the erring respondent no. 3, 4 and 5 to be paid to the CAT Bar Association.”

2. Heard. Learned counsel for applicant submits that the applicant is aggrieved by Annexure A-1 impugned order dt. 05.01.2018 by which he has been temporarily transferred from Tiruchirapalli to Thiruvananthapuram division for a period of five months. It is alleged that in Thiruvananthapuram division, the applicant would be expected to work continuously for about 35 hours at a stretch whereas as per rules, no work can be extracted for more than 10 hours continuously. The joint forum of loco running staff had submitted a memorandum to the 3rd respondent regarding this issue on 09.01.2018. However, no action has been taken thereon. It is accordingly submitted that the applicant would be satisfied if he is permitted to submit a detailed representation to the 3rd respondent which may be directed to be disposed of within a time limit to be stipulated by this Tribunal and status-quo maintained in the meantime.

3. Mr. P. Srinivasan takes notice for the respondents and submits that if time is granted a detailed reply would be filed. He further submits that the applicant had already been relieved.

4. Be that as it may, keeping in view the limited prayer and without going into the merits of the case, the applicant is permitted to submit a detailed representation to the 3rd respondent with regard to his grievance within a period of 3 days from the date of receipt of a copy of this order. On receipt of such representation, the respondents may consider the same in accordance with their transfer policy as also public interest and pass an appropriate speaking order within a period of two weeks thereafter. Status-quo with regard to the applicant shall be maintained till then.

5. OA is disposed of with the above direction at the admission stage.