

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.211/2020

Dated Friday, the 14th day of February, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

J.Edwin Prabhu,

Helper/Pr/MDU,

O/o SSE/E/Pr/MDU,

Southern Railway, Madurai Division.

....Applicant

By Advocate M/s. Ratio Legis

Vs

1.Union of India rep by,

The General Manager,

Southern Railway, Chennai 600003.

2.The Sr. Divisional Electrical Engineer,

Madurai Jn/S.Rly,

Madurai Division. Pin 625016.

3.The Divisional Personnel Officer,

Madurai Jn/S.Rly,

Madurai Division. Pin 625016.

....Respondents

By Advocate Mr. P. Srinivasan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call for the records related to the impugned order of transfer No. U/E.150/III/Pr. Dated 04.02.2020 passed by the 2nd respondent who is incompetent and to quash the same declaring the transfer as punitive and to direct the respondent to retain the applicant at Madurai and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. The applicant was selected on sports quota as Helper and he is presently working under Sr.Section Engineer/Pr./Electrical, Madurai Jn/BG/Southern Railway. He is aggrieved by the order transferring him from Madurai to Rameswaram on administrative grounds stating the shortage in Rameswaram. His grievance is that he is neither a junior nor a senior in the seniority unit and his transfer was effected without following any of the statutory norms prescribed in the Indian Railway Establishment Code Vol.I placing his case before the placement committee as ordered by the Hon'ble Apex court. He has also made a representation dated 08.02.2020 which evoked no positive response and hence the OA.

3. When the matter came up for hearing, learned counsel for the applicant would submit that the transfer order was issued without placing

the applicant's case before the placement committee as per the Railway Board letter dated 10.06.2014. The applicant has given representation dated 08.02.2020 in Annexure A-2 to the competent authority regarding his grievance which is still pending and no order is passed till now. He will be satisfied if the representation is considered and orders are passed, within a stipulated time limit.

4. It is seen from the records that the transfer order was made on administrative grounds. It is not clear whether transfer on administrative grounds comes under the purview of the Railway Board letter dated 10.06.2014.

5. Mr.P.Srinivasan, senior standing counsel for Railways, takes notice on behalf of the respondents and submits that the respondents have no objection for disposal of the representation of the applicant on merits.

6. In view of the limited submission and without going into the merits of the case, the OA is disposed of in the following lines:

"The competent authority is directed to consider the applicant's representation dated 08.02.2020 in Annexure A-2 on the basis of relevant rules and regulations and pass a speaking order, within a period of one month from the date of receipt of a copy of this

order. Till such disposal, status quo as regards the applicant shall be maintained, if he is not yet relieved."

**(T.JACOB)
MEMBER (A)**

14.02.2020

**(P.MADHAVAN)
MEMBER (J)**

M.T.