

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00286/2020

Thursday, this the 9th day of July, 2020

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Akhil N.S., aged 35 years, S/o. Narendranadhan Pillai,
 Pharmacist II, Railway Hospital, Pettah, Thiruvananthapuram,
 Residing at Kalyanai, Kundara PO, Kollam District,
 Pin – 691 501, Mob: 90431 08951. **Applicant**

(By Advocate : Mr. T.C. Govindaswamy)

V e r s u s

1. Union of India, represented by the General Manager,
 Southern Railway, Head Quarters Office, Park Town PO,
 Chennai – 600 003.
2. The Principle Chief Personnel Officer, Southern Railway,
 Headquarters Office, Park Town PO, Chennai – 600 003.
3. The Principle Chief Medical Director, Southern Railway,
 Headquarters Office, Park Town PO, Chennai – 600 003.
4. The Chief Medical Superintendent, Southern Railway,
 Divisional Office, Thiruvananthapuram – 695 014.
5. Sri Bince J. Daniel, Pharmacist, Railway Health Unit,
 Nagercoil Junction Railway Station, Nagercoil, Tamil Nadu,
 Pin – 629 001. **Respondents**

[By Advocate : Mr. Sunil Jacob Jose (R1-4)]

This application having been heard on 09.07.2020 through video conferencing, the Tribunal on the same day delivered the following:

O R D E R (Oral)

Hon'ble Mr. P. Madhavan, Judicial Member –

Heard Advocate Mr. T.C. Govindaswamy, appearing for the applicant and Advocate Mr. Sunil Jacob Jose, appearing for the respondents 1-4 through

video conferencing.

2. Applicant is presently working as a Pharmacist and is aggrieved by Annexure A1 order by which his priority in registration for transfer to Railway Health Unit Kollam was overlooked by the respondents contrary to the Railway Board orders on the subject. The OA is filed seeking the following reliefs:

“(i) Call for the records leading to the issue of Annexure A1 and quash the same to the extent it posts the 5th respondent to Railway Health Unit, Kollam in preference to the applicant;

(ii) Direct the respondents to consider the applicant for a posting at Railway Health Unit, Kollam, against the existing vacancy of Pharmacist in preference to 5th respondent and direct further to post the applicant accordingly;

(iii) Award costs of and incidental to this application; and,

(iv) Pass such other orders or directions as may be found just and fit in the facts and circumstances of the case.”

3. When the matter came up for consideration, learned counsel for the respondents submitted that he has no objection in considering the representation filed by the applicant. However, the learned counsel appearing for the applicant submitted that his case is squarely covered by the decision of the Hon'ble High Court in ***Sunil v. Director General of Meteorology – 1999 (1) KLT 191*** and he wish to include that aspect also in his representation. Further he will be satisfied if he is permitted to submit a fresh representation including all aspects of the matter and that representation is properly considered and disposed of by the respondents.

4. In view of the limited submission made by the parties and without going in to the merits of the case, we direct the competent authority to consider the representation filed by the applicant within a period of 7 days from the date of receipt of a copy of this order and the competent authority shall pass a reasoned and speaking order on the said representation in the light of the rules, regulations and law within a period of two months from the date of receipt of such representation from the applicant. Till such time status quo shall be maintained.

5. The OA is disposed of as above at the admission stage itself. No costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/00286/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the order No. MD/121/2020 dated 2.7.2020 issued from the office of the 2nd respondent.

Annexure A2 – True copy of revised provisional list of request transfers of Pharmacist as communicated from the office of Chief Personal Officer bearing No. P(S) 676/VIII/Pharmacist dated 6.2.2018.

Annexure A3 – True copy of Railway Board Order bearing No. E(NG)II-71-TR/14 dated 1.10.1971.

Annexure A4 – True copy of the representation dated 3.7.2020 addressed to the 3rd respondent submitted by the applicant.

RESPONDENTS' ANNEXURES

Nil

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