

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00289/2020

Thursday, this the 9th day of July, 2020

CORAM:

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

Ajikumar V., aged 52 years, S/o. P.G. Vijayan Pillai,
 Helper/Signal/Kottayam, O/o. Sr. Section Engineer,
 Signal, Kottayam, Trivandrum Division, Southern Railway,
 Residing at Poozhikkattu Puthenpurayil, Chathangari PO,
 Tiruvalla. **Applicant**

(By Advocate : M/s. Varkey & Martin)

V e r s u s

1. Union of India, represented by the General Manager, South Railway, Park Town, Chennai – 600 003.
2. The Senior Divisional Signal Telecommunication Engineer, Southern Railway, Trivandrum Division, Trivandrum – 691 014.
3. The Senior Divisional Personnel Officer, South Railway, Trivandrum Division, Trivandrum – 14. **Respondents**

(By Advocate : Mr. Sunil Jacob Jose)

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. Martin G. Thottan, appearing for the applicant and Advocate Mr. Sunil Jacob Jose, appearing for the respondents through video conferencing.

2. Applicant is a medically de-categorized Helper working under Senior Section Engineer, Kottayam in Trivandrum Division of Southern Railway. He is aggrieved by the order of transfer by which he has been transferred to Trivandrum as Helper/Signal against a regular vacancy. The said order of transfer is issued without taking note of the fact that he is medically de-categorized by the competent authority to be absorbed against a post which requires lesser medical classification. The present OA is filed seeking the following reliefs:

“I) Call for the records leading to the issuance of and Annexure A4 and quash the same to the extent it transfers the applicant from Kottayam to Trivandrum.

II) Pass such other orders or directions as deemed fit.”

3. When the matter came up for consideration, learned counsel for the respondents submitted that he is not able to say whether the applicant has been relieved or not at this stage. However, he has no objection in considering and disposing of the representation filed by the applicant at Annexure A5.

4. Learned counsel appearing for the applicant submitted that Annexure A5 is not a comprehensive representation and he wishes to submit a better representation before the competent authority who shall consider the same and dispose it of, as per the relevant rules and regulations.

5. **In view of the limited submission made by the parties and without going in to the merits of the case, we direct the applicant to submit a fresh comprehensive representation 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 and regulations within a period of two months from the date of receipt of such representation from the applicant. If the applicant is not relieved, then status quo shall be maintained till passing of a speaking order on the representation of the applicant.

6. 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. 180/00289/2020**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of the letter No. V/MD.84/I/UF dated 16.1.2019.

Annexure A2 – True copy of the letter No. V/SG/155/P&T/5/Helpers/Vol-3 dated 23.1.2019.

Annexure A3 – True copy of the discharge summary issued from the Pushpagiri Medical Society.

Annexure A4 – True copy of the office order bearing No. 40/2020/S&T dated 3.7.2020 issued by the third respondent.

Annexure A5 – True copy of the representation dated 6.7.2020 submitted by the applicant.

RESPONDENTS' ANNEXURES

Nil

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