

**CENTRAL ADMINISTRATIVE TRIBUNAL,**  
**ERNAKULAM BENCH**

**Original Application No. 180/00435/2020**

**Tuesday, this the 22<sup>nd</sup> day of September, 2020**

**CORAM:**

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

Vijith A.N., S/o. Govindan,  
 aged 38 years, Staff No. J/T 5015, PF No. 15551201240,  
 Now working as Station Master, Kannapuram, permanently  
 residing at Niduvote House, PO Mavilayi, Kannur District,  
 Pin – 670 622. .... **Applicant**

**(By Advocate : Ms. K.V. Bhadrakumari)**

**V e r s u s**

1. The General Manager, Southern Railways, Park Town,  
Chennai, Pin – 6000 002.
2. The Divisional Railway Manager, DRM Office Complex,  
Southern Railway, Palakkad Division, Palakkad, Pin – 678 002.
3. The Senior Divisional Operating Manager, DRM Office Complex,  
Southern Railway, Palakkad Division, Olavakkod, Palakkad,  
Pin – 678 002.
4. The Senior Divisional Personal Officer, DRM Office Complex,  
Southern Railway, Palakkad Division, Olavakkod, Palakkad,  
Pin – 678 002. .... **Respondents**

**(By Advocate : Mr. Sunil Jacob Jose)**

This application having been heard on 22.09.2020 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 Ms. K.V. Bhadrakumari appearing for the applicant  
 and Advocate Mr. Sunil Jacob Jose appearing for the respondents through

video conferencing.

2. The applicant entered in service of Southern Railway on 16.9.2011 as Assistant Station Master and is promoted as Station Master w.e.f. 6.10.2014. Due to heart ailment he was medically decategorised and was not fit for safety category jobs involving train running or passing duties and was fit for only the jobs not involving heavy manual labour or stress. But, vide Annexure A10 the applicant was absorbed and posted as Section Controller, Control Office, Palakkad, a job involving heavy manual labour and a safety category job. Aggrieved he has filed this OA seeking reliefs as under:

*“(a) To call for the records leading to the issuance of Annexure A10 order and Annexure A7 order with respect to the applicant absorbing and posting the applicant as Section Controller, Control Office, Palakkad and quash the same by this Hon'ble Tribunal.*

*(b) To declare that the Annexure A10 order and the portion of Annexure A7 order to the effect absorbing and posting the applicant as Section Controller, Control Office, Palakkad is illegal, arbitrary and liable to be set aside.*

*(c) To issue a direction to the 3<sup>rd</sup> and 4<sup>th</sup> respondents to absorb and post the applicant in a commercial office at Kannur Area considering his medically de-categorized and poor health condition.*

*(d) To direct the respondent No. 4 to consider and pass orders on Annexure A5 & A6 representations submitted by the applicant at the earliest.*

*(e) To grant such other reliefs as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”*

3. When the matter came up for consideration today, learned counsel for the applicant submitted that Annexure A11 representation of the applicant dated 9.9.2020 is still pending consideration with the respondents. He will be satisfied if his representation is considered and an order is passed by the respondents and till then status quo may be maintained.

4. Learned counsel appearing for the respondents submitted that they have no objection in considering the representation filed by the applicant by passing a speaking order.

5. **In view of the limited relief sought by the applicant, without going into the merits of the case, the competent authority among the respondents is directed to consider Annexure A11 representation dated 9.9.2020 and pass a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order. Till that time status quo shall be maintained.**

6. The Original Application is disposed of as above at the admission stage itself. No order as to costs.

**(K.V. EAPEN)**  
**ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)**  
**JUDICIAL MEMBER**

**“SA”**

**Original Application No. 180/00435/2020**

**APPLICANT'S ANNEXURES**

- Annexure A1** – True copy of the award during the year 2016-2017 issued by Chief Operations Manager, Chennai dated 3.3.2017.
- Annexure A2** – True copy of the communication No. J/MD.84/V dated 6.11.2019 issued by the Additional CMS/PGT Divisional Ofefice, Medical Branch, to Station Superintendent, Kannapuram.
- Annexure A3** – True copy of the communication dated 4.2.2020 issued by the 3<sup>rd</sup> respondent to 4<sup>th</sup> respondent.
- Annexure A4** – True copy of the order No. J/T.20/SNP dated 28.2.2020 issued by the 3<sup>rd</sup> respondent.
- Annexure A5** – True copy of the representation dated 19.7.2020 submitted by the applicant before the 4<sup>th</sup> respondent.
- Annexure A6** – True copy of the representation submitted by the applicant before the 4<sup>th</sup> respondent dated 12.8.2020.
- Annexure A7** – True copy of the office note dated 7.9.2020 issued by 4<sup>th</sup> respondent.
- Annexure A8** – True copy of the communication issued by the Station Manager, Kannur dated 9.9.2020.
- Annexure A9** – True copy of the Medical Certificate issued by Dr. Dharmesh Damodar, Vachaly.
- Annexure A10** – True copy of the order No. J/T.15/2020 dated 8.9.2020 issued by the 4<sup>th</sup> respondent.
- Annexure A11** – True copy of the representation submitted by the applicant on 9.9.2020 before the 4<sup>th</sup> respondent.

**RESPONDENTS' ANNEXURES**

Nil

-X-X-X-X-X-X-X-X-