

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00652/2020

HYDERABAD, this the 19th day of October, 2020

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



M.Venkataramana S/o M. Ramanna,
Aged about 51 years, Occ : Technician-I,
O/o Senior Section Engineer, Carriage & Wagon,
Guntakal, Anantapur District, Andhra Pradesh.

...Applicant

(By Advocate: Mr. M.C. Jacob)

Vs.

1. Union of India,
Represented by the General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
- 2.The Divisional Railway Manager,
South Central Railway, Guntakal Division,
Guntakal, Anantapur District, Andhra Pradesh.
- 3.The Senior Divisional Mechanical Engineer,
Carriage & Wagon, Guntakal Division,
South Central Railway, Guntakal,
Anantapur District, Andhra Pradesh.
4. The Senior Divisional Personnel Officer,
Guntakal Division, South Central Railway,
Anantapur District, Andhra Pradesh.
5. V.Raju S/o not known,
Senior Technician, O/o Senior Section Engineer,
Carriage & Wagon Office/Guntakal,
Guntakal Divisio, S.C.Railway, Guntkal,
Anantapur Dist, Andhra Pradesh-515801.
- 6.S.A.Khader Jeelani S/o not known,
Senior Technician, O/o Senior Section Engineer,
Carriage & Wagon, BOXN Depot, Gooty Post,
Anantapur Dist, Andhra Pradesh-515402.

... Respondents

(By Advocate: Mr. V. Vinod Kumar, SC for Rlys)

ORDER (ORAL)**Hon'ble Mr. B.V. Sudhakar, Admn. Member**

2. The O.A. has been filed in regard to transfer of the applicant from Guntakal to Tirupathi on promotion.

3. The brief facts of the case are that the applicant was promoted as Senior Technician on 31.12.2019 and on promotion, he was posted to Tirupathi from Guntakal. Applicant claims that the officials junior to him were accommodated at Guntakal and nearby places on promotion. He approached the Tribunal in OA No.426/2020 wherein the Tribunal directed the respondents to dispose of the representation of the applicant. Accordingly, it was disposed by rejecting his request. Hence, the O.A.

4. The contentions of the applicant are that his juniors were accommodated at Guntakal and nearby places on promotion whereas he was posted to a far off place namely Tirupathi, though he is senior. The Railway Board has issued a specific order dated 12.05.2020 stating that no transfers shall be effected up to 31.3.2021 in view of the situation prevailing due to Carona pandemic. Being an official from the SC community, he has to be considered for the place of choice as per the prevailing rules. Hence, transferring the applicant from Guntakal to Tirupati on promotion is arbitrary and irregular.

5. Respondents have categorically stated in the impugned order that the applicant's transfer on promotion was effected on administrative grounds. He could not be accommodated in the place of his choice because there were no



vacancies. His junior, by name Mr. Raju, was accommodated at Guntakal because of administrative requirements and his expertise in certain skills. The applicant is an SC employee, and as per rules, SC employees can be accommodated in places of their choice to the extent practicable. The Railway Board's order referred to by the applicant in regard to not issuing transfer orders till 31.3.2021 is only in respect of routine transfers and it is not applicable for transfers on promotion. Respondents have cited the judgement of the Hon'ble Supreme Court in *G.S. Puri Vs IOL Transfer Protected Workers* wherein it was held that Govt. servants hold a transferable post and they have no vested right to be at one place or the other. They have also averred that the applicant can make a request for Guntakal/ Gooty and it would be considered as per the rules at the appropriate time.

6. Heard Sri M.C. Jacob, learned counsel for the applicant and Sri V. Vinod Kumar, learned counsel for the respondents and perused the pleadings on record.

7. Learned counsel for the applicant submitted that the juniors of the applicant were accommodated in Guntakal and nearby places and as such the applicant has been discriminated in issuing the transfer orders. It appears to be a presumption of the applicant and is not borne out of facts. The applicant has been transferred on promotion to Tirupathi as per the relevant rules of the respondent's organization. The Railway Board order in regard to retention of officials till 31.3.2021 applies only to routine transfers and not to transfers effected based on promotion. Though the applicant is an SC employee, rules stipulate to accommodate such employees only to the extent practicable. Respondents have made it clear that the transfer of the applicant was effected

on administrative grounds. Administrative grounds take priority over individual interests. Moreover, respondents have stated that they could not accommodate the applicant in one of the places of his choice because of lack of vacancies. Nevertheless, they have submitted that the applicant can make a request for Guntakal/ Gooty and his request will be considered at the appropriate time. As we see from the facts we find that the respondents, issued the transfer orders based on rules. In fact, as per the judgement of the Honble Apex Court in G.S. Puri, cited by the respondents, the applicant holds a transferable post and he cannot have a vested right to be at Guntakal.

In view of the aforesaid circumstances, we do not find any merit in the O.A. and hence it is dismissed with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER(JUDL.)

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