

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.409 of 1988.

Date of decision : July 13,1989.

Sri G.Anjanaiah, aged about 45 years,
son of late Kotappa, Station Superintendent,
S.E.Railway, Jeypore, Dist.Koraput, Orissa.

... Applicant.

Versus

1. Union of India, represented by
Divisional Railway Manager,
S.E.Railway, Waltair.
2. Senior Divisional Operating Superintendent,
S.E.Railway, Waltair.
3. Divisional Personnel Officer,
S.E.Railway, Waltair.

... Respondents.

For the applicant ...

M/s.P.V.Ramdas,
B.K.Panda, Advocates.

For the respondents ...

Mr.L.Mohapatra,
Standing Counsel (Railways)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

1. Whether reporters of local papers may be allowed
to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? No
 3. Whether His Lordship wishes to see the fair copy
of the judgment ? Yes.
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J U D G M E N T

B.R.PATEL, VICE-CHAIRMAN, In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to be issued quashing the order of transfer dated 14.10.1988 as in Annexure-6 and to direct the respondents to consider posting the applicant at a place of his choice as in Annexure-7.

2. The facts, in brief, are that the applicant has been working as Station Superintendent of Jeypore Railway Station since 14.8.1984. While at Jeypore he has had a cardiac attack and also some domestic trouble. Because of these troubles he sought a transfer to a place near about Waltair where medical facilities are available to facilitate his treatment and accordingly, made a representation on 25.3.1985 which was followed by another on 21.9.1986. Instead of passing any orders on these representations the competent authority transferred the applicant to Rupra Road Railway Station which is far away both from Jeypore and from Vizag. Hence, his grievance.

3. The respondents have maintained in their counter affidavit that no employee can claim as a matter of right, posting to a place of his choice and as such, the applicant's case is misconceived and should be rejected.

4. I have heard Mr. P.V. Ramdas, learned counsel for the applicant and Mr. L. Mohapatra, learned Standing Counsel appearing for the Railway Administration. Mr. Ramdas has contended that many employees junior to



the applicant had been posted to places of their choice vide orders dated 6.4.1987 and 13.7.1987 (Annexures-4 & 5 respectively). As the applicant has been suffering from Heart trouble and he is sorely in need of proper medical treatment, transfer of the applicant should be viewed sympathetically by the competent authority. He has, therefore, submitted that the transfer of the applicant should be quashed and the competent authority be directed to transfer the applicant to a place near Vizag where medical facilities are available. Mr. Mohapatra has vehemently opposed the plea of Mr. Ramdas on the ground that the transfer is a matter for the Department to decide and the transfer should be done according to the needs of the administration and on no other grounds. Furthermore, Mr. Mohapatra has contended that a criminal case was pending against the applicant and thus, transfer to any other place will seriously hamper the progress of the case. I am unable to appreciate the latter plea of Mr. Mohapatra since the applicant has infact been transferred to Rupra Road Station and if the transfer to Rupra Road could not affect the progress of the criminal case, I am at a loss to know how his transfer to a place nearer Vizag will seriously impede the progress of the criminal trial. I however, agree with Mr. Mohapatra that Government servants are posted to various places according to the needs of the administration but there are always exceptions and exceptions infact justify the Rules. The administration has taken upon ^{itself} ~~its~~ responsibilities of looking after the welfare of its own employees and if the



employees suffer from any ailment not only the interest of the employee concerned is affected but the interest of administration also suffers. In the interest of administration therefore, the employees should be given adequate medical facilities. Since the ailment of the applicant has not been controverted and there are proper medical facilities available at Vizag it will be but proper if the applicant is posted to a place nearer Vizag. It is upto the respondents to select a place near Vizag and post the applicant there as soon as possible. Consequently, the order of transfer at Annexure-6 is hereby quashed and the stay order made absolute vide order dated 28.4.1989 stands vacated.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 13, 1989/Sarangi.

Sarangi
13.7.89
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Vice-Chairman