

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO. 430 OF 2008

Wednesday, this the 30th day of July, 2008.

CORAM:

HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER

Chacko Joseph
Chief Goods Supervisor
Southern Railway, Palghat
Residingat - Railway Quarters
Hemambika Nagar, Palghat : Applicant

(By Advocate Mr. TCG Swamy)

v.

1. Union of India represented by the
General Manager
Southern Railway Headquarters Office
Park Town P.O. Chennai - 3
2. The Divisional Railway Manager
Southern Railway, Palghat Division
Palghat
3. The Senior Divisional Commercial Manager
Southern Railway, Palghat Division
Palghat
4. The Senior Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat
5. Shri S.Ramanathan
Deputy Station Manager Commercial
Southern Railway, Palghat Junction
Palghat : Respondents

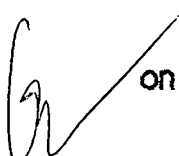
(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 30.07.2008, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER


The applicant joined at Palghat /BO as Chief Booking Supervisor on 04.11.2004 under the orders of periodic transfer and since 15.06.2006



he has been functioning as Chief Goods Supervisor at Palghat. The said post of Chief Booking Supervisor as well as Chief Goods Supervisor are termed as sensitive post as per extant rules. Provisions exist for periodic transfer of personnel subject to certain conditions. One of the conditions is that as far as possible such periodic transfer may not result in dislocation of the family involved, a change of residence of the staff concerned, so long as the fundamental objectives of such transfers can be achieved by transferring such staff to a different location in the same station or to a different station in the same urban agglomeration.

2. Respondents have vide Annexure A-1 order dated 31.03.2008 issued a consolidated order of periodic transfer as per which the applicant vide Sl.No.25 thereof stands transferred from Palghat to Shoranur. The distance between these two places is stated to be about 50m kms, which shall necessarily involve shifting of residence, according to the applicant. The applicant has preferred Annexure A- 4 representation dated 01.04.2008 followed by Annexure A-5 representation dated 04.07.2008 requesting for his retention on the ground of his child's education and on medical grounds of his septuagenarian mother undergoing treatment for fracture on both the legs. These two applications have not, according to the applicant, so far been disposed of. The applicant himself is stated to be on medical leave since 04.04.2008 and is undergoing treatment under the direction of the Railway Doctor.

3. Counsel for the applicant submits that since these two representations have not so far been disposed of nor has the applicant been relieved of his duties, it would be in the interest of justice, if a

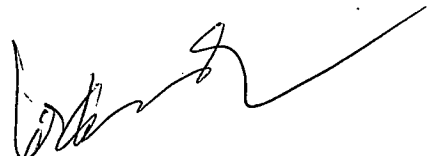


direction be given to the respondents to consider the two representations, keeping in view the orders of subject matter of transfer (i.e preferably without need of shifting of residence) as cited above and till such time the representations are disposed of, the applicant be not relieved of his duties in pursuance of Annexure A-1 order dated 31.03.2008. Counsel for respondents submits that in case the representations have not been disposed of, there can be no objection for consideration of the same, if so ordered, by this Tribunal.

4. Keeping in view the guidelines of transfer and the fact that the applicant has been holding the post of Chief Gods Supervisor only for the past two years, it is felt appropriate that the respondents should consider the two representations vide Annexure A-4 and A-5. While so considering, the grounds raised in the OA may also be taken as supplemental to the aforesaid representations and a decision be arrived at accordingly.

5. OA is, therefore, disposed of with a direction to the 2nd respondent to consider the entire OA as a consolidated representation and arrive at a judicious decision in regard to the transfer of the applicant. Till such time this representation is disposed of, order dated 31.03.2008, as far as it relates to the applicant, shall be kept in abeyance. No order as to costs.

Dated, the 30th July, 2008.



Dr.K.B.S.RAJAN
JUDICIAL MEMBER