

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.440/97

Friday, this the 8th day of August, 1997.

C O R A M :

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN

- | | |
|--|---|
| 1. M.Anil Kumar,
Aged 27 years,
S/o.M.Sankaran,
Permanent Addressee:
Mele Vadakkini House,
Ferook College P.O.,
Kozhikode Dt. | Electrical Assistant
Southern Railway,
Jolarpettai. |
| 2. V.Mohanan,
Aged 29 years,
S/o. N.Velappan Nair,
Permanent Address:
Varuvilathu Thazhe Puthen Veedu,
Pappanamcode, Nemom P.O.,
Thiruvananthapuram. | -do- |
| 3. Biju S.Paul,
Aged 27 years,
S/o.T.A.Paulose,
Paingottur P.O.,
Ayanikara, Ernakulam Dt. | -do- |
| 4. P.N.Prakash,
Aged 28 years,
S/o. P.Narayanan Nair,
Pulickal House,
South Thuravu,
PO Puthukkad, Trichur. | -do- |
| 5. Roy John,
Aged 25 years,
S/o. John,
Edayadi Parambil,
Kurisumoodu P.O.,
Changanassery. | -do- |
| 6. K.Ramesh,
Aged 30 years,
S/o. P.Krishnan Nambiar,
Santha Wivas,
Thalapp, Kannoor-2. | Electrical Assistant,
Southern Railway,
Thiruvottiyoor. |
| 7. KE Mohammed Kunju
Aged 30 years
S/o K S Ibrahim
Edayadathu Parambil
Kannoth House
Edappally P.O
Kochi | Electrical Assistant
Southern Railway
Jolarpettai |

8. K.A.Gee Varghese,
Aged 30 years,
S/o. G.Abraham,
Kunnathu Parambil House,
Wanjavattom P.O.
Tiruvalla.
Electrical Assistant,
Southern Railway,
Jolarpettai.
9. M.T.Subair,
Aged 30 years,
S/o.M.T.Abdurahiman,
Muppatta Tharol,
Punnaserry P.O.,
Calicut.
-do-
10. N.Chandra Lal,
Aged 30 years,
S/o.K.Manukuttan,
Lal Bhavan,
Pavikuzhi,
Ochira P.O.,
Quilon Dt.
Electrical Assistant,
Southern Railway,
Arkonam.
11. A.R.JeevaRajan,
Aged 29 years,
S/o.A.K.Ramakrishnan Nair
Ariappalli House,
Neezhillam P.O.,
Ernakulam District.
-do-
12. S.Mahendran,
Aged 27 years,
S/o. R.Sunder Sing,
TC 41/2260(1),
Vidhyadi Raja Lane,
Manacaud P.O.,
Trivandrum.
Electrical Assistant,
Southern Railway,
Thiruvottiyoor.
13. K.P.Santhosh
Aged 30 years,
S/o.E.E.Parameswaran,
Kunnappallil House,
Kaipattoor P.O.,
Arakunnam(Via),
Ernakulam.
Electrical Assistant,
Southern Railway,
Arkonam.
14. B Jayakumar
Aged 29 years
S/o R Balakrishnan Nair
Sree Kalalayam
TC 6/1644,Vettamukku
Thirumala P.O.
Trivandrum
Electrical Assistant
Southern Railway
Thiruvottiyoor

15. S.Muralidharan Nair,
Aged 28 years,
S/o.K.Sankara Pillai,
Mundappally Veedu,
Koonthallloor,
Chirayinkal P.O.,
Trivandrum.

-do-

16. Sunil Jose,
Aged 26 years,
S/o.K.P.Joseph,
Koramangalathu House,
Kongarappilly P.O.,
Ernakulam Dt.

Electrical Assistant,
Southern Railway,
Arkonam.

17. E.P.Ajith Kumar,
Aged 27 years,
S/o.Janardhanan Nair,
"Aswathy",
Edakkod Post,
Kundlooparamba,
Calicut.

Electrical Assistant,
Southern Railway,
Thiruvananthapuram.

18. N.K.Padmakumar,
Aged 25 years,
S/o.Narayanan Thambi,
"Ushas",
TC 21/1290,
Karamana Post,
Trivandrum.

-do-

19. V.K.Manukumar,
Aged 31 years,
S/o.Krishna Nair,
Lakshmi Nivas,
Nanthattukunnam,
North Paravoor,
Kerala.

-do-

20. S.Nizaruddin,
Aged 29 years,
S/o. Shamsudheen Kunju,
Manakaluvilla Veedu,
Kuttichirappery,
TKM College,
Kollam.

-do-

21. S Reghu
Aged 29 years
S/o Sreedharan
Kottapurathu Kizhakkathil
Kovila (N), Koivila (PO)
Kollam

22. R. Gnanaseelan,
Aged 28 years,
S/o. Ramankutty Achary,
Panavila Veedu,
Kareepra,
Nellimakku (PO),
Kollam.
Electrical Assistant,
Southern Railway,
Arkonam.
23. T. Suresh Kumar,
Aged 29 years,
S/o. V. Thankappen,
Breekrishna Bhavan,
Palayankunnu (PO)
Verkala, Trivandrum.
-do-
24. P. N. Anil Kumar,
Aged 27 years,
S/o. Marayana Pillai,
Mullolil House,
Kramathoor Post,
Mannar, Alapuzha District,
Kerala.
Electrical Assistant,
Southern Railway,
Thiruvottiyoer.
25. M. T. Ajayan,
Aged 27 years,
S/o. Perachan,
Murikkarikkal Thazha,
Konganjoore (Post),
Atholy (Via),
Calicut Dt.
Electrical Assistant,
Southern Railway,
Arkonam.
26. R. Suresh Kumar,
Aged 26 years,
S/o. Rajagopala Pillai,
Paroor Puthen Veedu,
Chabhanjoopuzha,
Vadakkedath Vavu (PO)
Adoor.
Electrical Assistant,
Southern Railway,
Thiruvottiyoer.
27. O. Abdul Nazeer,
Aged 31 years,
S/o. Ummerkunju,
Chelakkad,
Pallana Post,
Alappuzha District.
-do-
28. Jose Malakkal,
Aged 29 years,
S/o. Sebastian,
Malakkal House,
Nayarambalam Post,
Ernakulam.
Electrical Assistant,
Southern Railway,
Arkonam.
29. K. Sujith,
Aged 29 years,
S/o. Kuttikrishnan Nambiar,
Vadakkedath Kandi,
Neppayur Post,
Badagara (Via),
Kozhikode.
-do-
30. A. N. Valsan
Aged 28 years
S/o A. V. Narayanan
Ayyanchira House
Melloor P.O.
Trichur District
Electrical Assistant
Southern Railway
Thiruvottiyoer

34. P. Anil Kumar,
Aged 31 years,
S/o. Padmasenan Nair, Electrical Assistant,
Bindhu Bhavan, Southern Railway,
Mannottukonam, Arkkonam.
Peyattuville Post,
Balaramapuram,
Trivandrum District. .. Applicants

By Advocate Mr TC Govinda Swamy

Vs.

1. Union of India through
The General Manager,
Southern Railway,
Park Town P.O.,
Madras-3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Madras Divisional Office,
Madras-3.
4. The Divisional Railway Manager,
Southern Railway,
Trivandrum Divisional Office,
Trivandrum-14. .. Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 8.8.1997, the
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN :

The applicants were selected for appointment as Diesel Assistants pursuant to a process of selection made on the basis of the notification No. 1 of 1990. As per the notification, the vacancies were in Palghat and Trivandrum Divisions. However, owing to certain developments on their undertaking to serve in places where vacancies were existing they were appointed in Madras Division. The present grievance of the applicants appears to be that though they have requested for inter-divisional transfer to Trivandrum, their request are not being considered by the respondents. Therefore, the applicants have filed this application praying for a declaration that they are entitled to inter-divisional transfer/appointments by transfer to the vacancies of Diesel Assistants in Trivandrum Division of Southern Railway in preference to all other modes of recruitment including direct recruitment and to direct the respondents to effect their transfers.

2. The respondents in their reply statement contended that the applicants have no legal right to claim a transfer to Palghat. They rely on the decision of the Tribunal in OA 1061/95 in support of this stand. They have further contended that in the present set up for want of Diesel Assistants in Madras Division, it would not be feasible to consider the transfer of the applicants until those who have been selected complete their training and this process would take about a year. The respondents have also stated in the reply statement that some of the applicants have not registered their requests for transfer. However, they have indicated that if they also apply for transfer the case of all the applicants for transfer to Trivandrum and Palghat would be considered in their turn in accordance with the instructions in that behalf, as and when

such transfer becomes administratively feasible.

3. Learned counsel for respondents states that the application may be disposed of with such a direction. In the result, the OA is disposed of directing the 3rd respondent to verify whether the representations Annexure A-6 to A-31 and Annexure A-33(a) to A-33(e) in the rejoinder had been received by the immediate superior of the respective applicants, and if found that the representations had been so received, to consider the applicants for inter-divisional transfer in their turn with reference to the dates their representations were received by their immediate superiors. There is no order as to costs.

Dated, the 8th August, 1997.



A V HARIDASAN
VICE CHAIRMAN

vs

LIST OF ANNEXURES

1. Annexure A-6 : A true copy of the representation submitted by the 6th applicant to the 2nd respondent dated 8-3-96.
2. Annexure A-7 : A true copy of the representation submitted by the 7th applicant to the 2nd respondent dated 8-3-96.
3. Annexure A-8 : A true copy of the representation submitted by the 8th applicant to the 2nd respondent dated 8-3-96.
4. Annexure A-9 : A true copy of the representation submitted by the 9th applicant to the 2nd respondent dated 8-3-96.
5. Annexure A-10 : A True copy of the representation submitted by the 10th applicant to the 2nd respondent dated 12-3-96.
6. Annexure A-11 : A true copy of the representation submitted by the 11th applicant to the 2nd respondent dated 12-3-96.
7. Annexure A-12 : A true copy of the representation submitted by the 12th applicant to the 2nd respondent dated 29-2-96.
8. Annexure A-13 : A true copy of the representation submitted by the 13th applicant to the 2nd respondent dated 12-3-96.
9. Annexure A-14 : A true copy of the representation submitted by the 14th applicant to the 2nd respondent dated 20-2-96.
10. Annexure A-15 : A true copy of the representation submitted by the 15th applicant to the 2nd respondent dated Nil.
11. Annexure A-16 : A true copy of the representation submitted by the 16th applicant to the 2nd respondent dated 12-3-96.
12. Annexure A-17 : A true copy of the representation submitted by the 17th applicant to the 2nd respondent dated 29-2-96.
13. Annexure A-18 : A true copy of the representation submitted by the 18th applicant to the 2nd respondent dated Nil.
14. Annexure A-19 : A true copy of the representation submitted by the 19th applicant to the 2nd respondent dated 15-3-96.
15. Annexure A-20 : A true copy of the representation submitted by the 20th applicant to the 2nd respondent dated 5-3-96.
16. Annexure A-21 : A true copy of the representation submitted by the 21st applicant to the 2nd respondent dated 12-3-96.

17. Annexure A-22 : A true copy of the representation submitted by the 22nd applicant to the 2nd respondent dated 12-3-96.
18. Annexure A-23 : A true copy of the representation submitted by the 23rd applicant to the 2nd respondent dated 12-3-96.
19. Annexure A-24 : A true copy of the representation submitted by the 24th applicant to the 2nd respondent dated 20-2-96.
20. Annexure A-25 : A true copy of the representation submitted by the 25th applicant to the 2nd respondent dated 12-3-96.
21. Annexure A-26 : A true copy of the representation submitted by the 26th applicant to the 2nd respondent dated 19-2-96.
22. Annexure A-27 : A true copy of the representation submitted by the 27th applicant to the 2nd respondent dated Nil.
23. Annexure A-28 : A true copy of the representation submitted by the 28th applicant to the 2nd respondent dated 12-3-96.
24. Annexure A-29 : A true copy of the representation submitted by the 29th applicant to the 2nd respondent dated 12-3-96.
25. Annexure A-30 : A true copy of the representation submitted by the 30th applicant to the 2nd respondent dated 29-2-96.
26. Annexure A-31 : A true copy of the representation submitted by the 31st applicant to the 2nd respondent dated 12-3-96.
27. Annexure A-33(a): A true copy of the representation submitted by the 1st applicant to the 2nd respondent dated 8-3-96.
28. Annexure A-33(b): A true copy of the representation dated 8-3-96 submitted by the second applicant to the 2nd respondent.
29. Annexure A-33(c): A true copy of the representation dated 8-3-96 submitted by the 3rd applicant to the 2nd respondent.
30. Annexure A-33(d): A true copy of the representation dated 8-3-96 submitted by the 4th applicant to the 2nd respondent.
31. Annexure A-33(e): A true copy of the representation dated 8-3-96 submitted by the 5th applicant to the 2nd respondent.

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