

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.459/2001

Wednesday this the 30th day of May, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Mary Thomas Kannala,  
Wife of T.C.James,  
Staff Nurse, Southern Railway  
Headquarters Hospital,  
Perambur, residing at 29/B  
Vasantha Garden, II Street,  
Aynavaram PO, Chennai. ..Applicant

(By Advocate Mr. M.P.Varkey)

V.

1. Union of India, represented by the Chairman, Railway Board, and Ex Officio Principal Secretary to the Government of India, Ministry of Railways, Rail Bhavan, New Delhi.
2. The Chief Medical Director, Southern Railway, Moormarket Complex, Chennai.3.
3. The Chief Personnel Officer, Southern Railway, Chennai.3.
4. The Senior Divisional Personnel Officer, Southern Railway, Trivandrum.14.
5. R.Jayamoli,  
Nursing Sister,  
Railway Health Unit,  
Kottayam.1. ....Respondents

(By Advocate Smt.Sumati Dandapani (rep.)

The application having been heard on 30.5.2001, the Tribunal on the same day delivered the following:

O R D E R  
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, working as Staff Nurse in the Railway Headquarters Hospital, Perambur had submitted representations for a posting to Trivandrum Division where her husband is working. In reply to the persistent representations and requests the applicant was told by letter dated 27.5.99 (A5) that her request for transfer was contd...  
concerned and approved by the

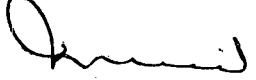
for transfer to Trivandrum Division has been approved by the competent authority and that she would be given a posting as and when a vacancy would arise. It is alleged in the application that while a vacancy arose in Alleppey somebody else was transferred and posted there. Now the applicant is aggrieved by order dated 4.4.2001 (A8) by which the 5th respondent Mrs.R.Jayamoli, Nursing Sister has been transferred with her post to Kottayam/Trivandrum Division from Palghat Division. The claim of the applicant is that this has been done on the request of the 5th respondent and not in public interest and therefore the official respondents have gone wrong in discriminating the applicant in the matter of transfer to Trivandrum Division. With these allegations the applicant seeks to quash the impugned order Annexure.A8.

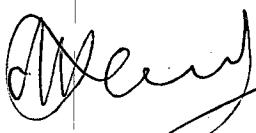
2. We have gone through the application, the annexures appended thereto and have heard Shri M.P.Varkey, learned counsel for the applicant and the counsel appearing for the official respondents. The impugned order dated 4.4.2001 transferring the 5th respondent had already taken effect because pursuant to her relief on 30.4.01 she had reported in the Trivandrum Division on 4.4.2001. The claim of the applicant that by the impugned order her right has been violated has no force at all. No vacancy which existed in Trivandrum Division has been filled by the impugned order. Learned counsel appearing for the official respondents states that the impugned order transferring the 5th respondent along with the post held by her to Trivandrum Division temporarily was made in the

contd.....

backdrop of 5th respondent losing her husband in a road accident. We do not find any arbitrariness or infirmity in that action. We also find no valid cause of action of the applicant which calls for adjudication. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 30th day of May, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A5: True copy of letter No.E(REP)III/99/SR-6/31 dated 27.5.1999 from Sri Ram Naik, Hon'ble Minister of State for Railways etc. addressed to Sri George Kurian.

Annexure.A8: True copy of Office Order No.7/2001/MD(NO.V/P.535/XII/SN/Vol.I) dated 4.4.2001 issued by the 4th respondent.

....