

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.460/98

Friday this the 26th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K.GHOSAL, ADMINISTRATIVE MEMBER

K.Sivasankaran,
S/o Karuppiyah,
Head Goods Clerk,
Southern Railway, Salem Market,
residing at Room No.6
75 Chidambaram Complex,
Jambulingam Chetty Street,
Shevvapet, Salem.2.

.....Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. Senior Divisional Commercial Manager,
Southern Railway, Palghat Division,
Palghat.

2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.

3. The Chief Goods Superintendent,
Southern Railway,
Salem Market Railway Station and PO,
Salem.

..Respondents...

(By Advocate Mr. Mathews J Nedumpara)

The application having been heard on 26.6.98, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant a member of the Scheduled Caste community was an under-graduate when he joined the Southern Railway Service. He has pursued his education while in service and had become a graduate. He desired to qualify further by taking up legal education. He sought permission to join the Law College at Salem and the Divisional Personnel Officer granted him permission to join the Law College on 12.7.94. Pursuant to the above permission the applicant joined the Central Law College,

....2

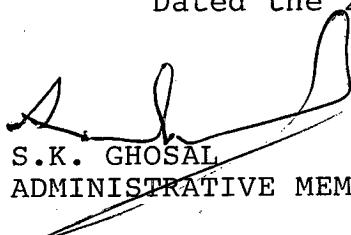
Salem and was about to complete the second year of the three year course. It was at that time he was suddenly served with A.2 and A4 orders relieving him from Salem Market and posting him at Metturdam. The applicant states that the transfer from Salem Market to Metturdam would jeopardise his studies and therefore, he made a representation to the first respondent on 17.2.98. As there is no response to this, the applicant has filed this application impugning the orders A2 and A4 for a direction to the respondents to allow him to continue at Salem Market Station atleast till he completes his three year LLB Course which commenced only in the year 1996-97.

2. When the application came up for hearing today, learned counsel for the applicant states that after filing this application, the applicant has made another representation to the second respondent which may be directed to be disposed of within a short time with a further direction to the respondents that the post from which the applicant was relieved may not be filled, if it has not already been filled till the representation submitted by the applicant is considered and disposed of by the second respondent. Learned counsel for the respondents submitted that the respondents have no objection if a direction is issued to consider the representation of the applicant and the application may be disposed of with such a direction.

3. In the light of what is stated by the learned counsel for the parties and also in the facts and circumstances of the case, we dispose of this application with a direction to the second respondent to consider the

request of the applicant made in his representation to the second respondent for retention at Salem Market Station taking into account the fact that the applicant had been permitted to join the Law College at Salem by order dated 12.7.94, that he has joined in the evening course and is in the midst of his course which would last for one more year and with due sympathy and dispose of the representation within a period of three weeks from the date of receipt of a copy of this order. We also direct that if the post from which the applicant was relieved has not been filled as on date, the same may not be filled by appointment of any other person than the applicant till the representation is disposed of by the second respondent. There is no order as to costs.

Dated the 26th day of June, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

|ks| 266.

LIST OF ANNEXURES

1. Annexure A2: Telephonic Message No.J/C 496/Staff/OL dated 12.2.1998 issued by the first respondent.
2. Annexure A4: Relieving Memo No.G 32/Staff/SAMT dated 20.2.1998 issued by the third respondent.

.....