

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 503/90  
~~XXXXXX~~

199

DATE OF DECISION 27-6-90

CM Radhakrishnan Applicant (s)

M/s P Sivan Pillai &  
R Sreekumar Advocate for the Applicant (s)

Versus

Union of India rep. the  
General Manager, Southern  
Railway, Madras-3 and 2 others Respondent (s)

Mr MC Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. MY Priolkar, Administrative Member.

The Hon'ble Mr. N Dharmadan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

Shri N Dharmadan, Judicial Member

When this case came up for admission, we have heard the learned counsel on both side because a copy of the application was served on the learned counsel appearing on behalf of the Railways.

2 The applicant in this case is working as an Assistant Station Master at Walayar Station in the Palghat Division of Southern Railway. He has not completed a term of five years in this Station. According to the applicant, Annexure A1 provides for registration indicating the preference and choice for the transfer of Station Master. The applicant has indicated his choice and registered in terms of Annexure A1 and he is expecting a transfer of his choice to his native /

place at Palghat. But subsequent to Annexure A1, Personnel<sup>4</sup> the Divisional Officer issued Annexure A2 cancelling the earlier registration and inviting fresh registration from the Station Masters. Accordingly, the applicant also submitted a fresh registration alongwith others in accordance with Annexure A3, <sup>Ne 1</sup> and ~~he~~ submitted that he has a right to get a posting of his choice especially because he worked in other States before his posting at Walayar Station.

3 In the meantime, the Divisional <sup>Personnel</sup> Officer, (Personnel Branch), Palghat has issued Annexure A5 transfer order dated 1.6.90 transferring 133 Station Masters and Asstt. Station Masters, <sup>to</sup> and ~~the~~ the applicant's name was included in it as 48 in the list. As per Annexure A5 he has been transferred from Walayar to Morappur Station without considering his request and registration at Annexure A4.

4 According to the applicant, this transfer is contrary to Annexures A1 and A3. His registration and choice indicated in Annexure A4 for transfer had <sup>to</sup> not been considered by the concerned authority at the time when this transfer order was passed. He has also pointed out that the selection was malafide. He submitted that persons who are not eligible to be posted at Palghat in terms of the policy of the Railways and registration as stated above, have been posted on account

of influence exerted by them on the respondents. He further submitted that the applicant approached the ~~Senior~~ Divisional Manager, Palghat and orally submitted about his grievances, but he did not get any favourable decision. Hence, he has approached this Tribunal for the redressal of his grievances.

5 We have also heard the learned counsel for the respondents who submitted that this is a general transfer and if this is not implemented, there will be administrative difficulties. However, we feel that the grievance of the applicant requires to be examined by the Divisional Railway Manager, Palghat before whom the applicant had already submitted his case orally. Hence in the interest of justice we dispose of this application at the admission stage with the following directions:


(i) The applicant will file a detailed representation stating all his grievances against his transfer in Annexure A5 within one week from to-day before the Divisional/

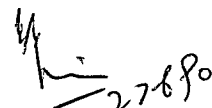
/ Manager,  
Palghat.

(ii) If the applicant files such a representation before the Divisional ~~General~~ Manager, Palghat, as directed above, he will consider the same and pass appropriate orders within a period of 4 weeks from the date of receipt of the same. He shall keep in abeyance the transfer of the applicant from Walayar Railway Station to Morappur Station till passing an order on the representation and communicating it to the applicant.

6 This application is disposed of accordingly  
and there will be no order as to costs.

7 Copy of this order may be handed over to the  
counsel on either side by hand.

  
(N Dharmadan) 27.6.90  
Judicial Member

  
(MY Priolkar) 27.6.90  
Administrative Member

27-6-90