

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 503/90 199
XXXXXX

DATE OF DECISION 27-6-90

CM Radhakrishnan Applicant (s)

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

Versus

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

Mr MC Chelian 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
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, and ^{No 1} 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 Officer, (Personnel
Branch), Palghat has issued Annexure A5 transfer order
dated 1.6.90 transferring 133 Station Masters and
Asstt. Station Masters, ^{No 2} and 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 ^{No 3}
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.

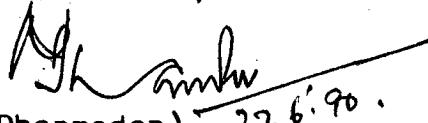
5 We have also heard the learned counsel for the respondents who submitted that this is a general transfer and if this is not implemented, there will be administrative difficulties. However, we feel that the grievance of the applicant requires to be examined by the Divisional Railway Manager, Palghat 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.

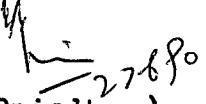
6 This application is disposed of accordingly and there will be no order as to costs.

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


(N Dharmadan)

Judicial Member

27-6-90


(MY Priolkar)

Administrative Member

27-6-90