

Central Administrative Tribunal
Madras Bench

O.A No.528/86

M Sivasankaran ... Applicant

-Vs-

- 1 The Divisional Electrical Engineer
Southern Railway, Palghat.
- 2 MV Prabhakar, Electrical Fitter(P)
HS-I, Southern Railway, Mangalore.. Respondents

M/s M Ramachandran & PV Abraham ... Counsel for Applicant

Mr MC Cherian ... Counsel for Respondents

CORAM

Hon'ble G Sreedharan Nair, Judicial Member

(Order pronounced by Hon'ble Shri G Sreedharan Nair,
Judicial Member)

O r d e r

Heard.

2 The challenge in this application is against the order of the 1st Respondent directing the transfer of the applicant, Electrical Fitter from Shoranur to Palghat. The ground urged is that while the applicant was working elsewhere by order dated 22.4.86, he was promoted as Electrical Fitter(HS-I) and on his request he was posted to Shoranur and as such the impugned order ^{dated} 11.6.86, within two months, transferring him to Palghat is to be quashed.

3 In the counter affidavit filed on behalf of the 1st Respondent it is stated that after the

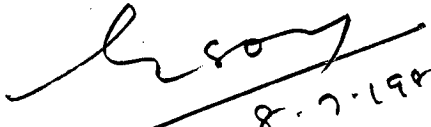
issue of the earlier order dated 22.4.86 which related to the promotions/postings/transfers of 91 employees to the higher grade, there were a number of representations pointing out that senior employees were transferred and juniors from other stations have been accommodated in their place, in view of which a review of the order was made for rectifying the anomalies, and that it was under such circumstance that the order transferring the applicant to Palghat had to be issued. It is specifically pointed out that at the time of the earlier order, the 2nd Respondent who is senior to the applicant was working at Shoranur, but was transferred to Mangalore and that it was done only to accommodate the applicant since he had requested for a posting at Shoranur.

4 On hearing counsel on either side and on examination of the records, I am not satisfied that there is any ground for quashing the order of transfer. It cannot be disputed that the impugned order was the result of a policy decision relating to transfers by which preference was shown to seniors in service. Though the earlier order was passed only in April, 1986, it was not only the case of the applicant that

was reviewed, but all similar cases, ^{and} as such
there cannot be any grievance for the applicant.

5 It was admitted that the order of transfer has taken effect and that the applicant is at present working at Palghat. Counsel of applicant submitted that when his turn comes for further transfer, 1st Respondent may consider whether the applicant can be accommodated at Shoranur. On this matter the 1st Respondent himself has stated in paragraph-2 of the counter affidavit that the request of the applicant for posting him at Shoranur will be considered when normal vacancies arise at Shoranur, subject to the relevant conditions.

6 In the circumstance, the application is dismissed subject ^{to} what has been stated in the preceeding paragraphs.


(G Sreedharan Nair)
Judicial Member
8/7/87

Index: Yes/No