

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 529 of 2011

Friday, this the 06th day of July, 2012

CORAM:

**HON'BLE MR. JUSTICE P.R. RAMAN, JUDICIAL MEMBER
HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

K.Ravichandran,
S/o.K Kittan,
Junior Engineer Grade-I/Permanent Way,
Kollengode Railway Station,
Southern Railway, Palghat Division,
Permanent Address : No. 8/12, East Street,
Thudupathy P.O., Perundurai Taluk, Erode District.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
The General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.

2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad : 678 002

3. The Senior Divisional Engineer (Co-ord.),
Southern Railway, Palakkad Division,
Palakkad : 678 002

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 25.06.12, the Tribunal on
06.07.12 delivered the following :-

ORDER

HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The applicant in this O.A. was granted ad hoc promotion as Section
Engineer, Permanent Way, Kollengode for a period of four months as per

order dated 27.01.2009 (Annexure A-6). He took over the charge of the post of ad hoc promotion on 03.03.2009. The ad hoc promotion was terminated as per order dated 12.05.2009. The case of the applicant is that he was transferred from Pollachy to Kollengode on his ad hoc promotion. Therefore, he is eligible for composite transfer grant.

2. The respondents however maintained that he was given ad hoc promotion at Kollengode itself. The impugned order at Annexure A-1 rejecting his claim for transfer privileges is dated 10.11.2009. This O.A. has been filed on 03.06.2011. According to the applicant, there is a delay of 205 days in filing this O.A. The stand of the respondents is that the applicant ought to have sought legal remedy in 2009 or at least in the year 2010..

3. The applicant claims that he was given to believe that action was being taken to grant the applicant the benefit of composite transfer grant for his movement from Pollachy to Kollengode on being promoted as Section Engineer, Permanent Way, Kollengode. As he was working as a Supervisory Officer Incharge of the entire section and expected to be on 24 hours duty being a person coming under the excluded classification under the hours of employment regulations of the Railways, he was finding it very difficult to avail of leave and to come over to Ernakulam for filing the O.A. As against this, the respondents pointed out that the applicant was able to visit the offices of the 2nd and 3rd respondents and he could find time to file O.A. Nos. 760/2008 and 73/2009 before this Tribunal.

4. We do not find the contention of the applicant for condonation of delay in

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filling this O.A. convincing. Hence, the M.A. No. 426/11 for condonation of delay is dismissed. Being barred by limitation, this O.A. is liable to be dismissed. However, having heard the parties, we proceed to consider the matter on merit.

5. The contention of the applicant that since the distance between Pollachy and Kollengode is 20 kilometers and since there was a change of Headquarters involved, he is entitled to be granted the benefit of composite transfer grant. The applicant who was given ad hoc promotion as Section Engineer, Permanent Way, was posted at Kollengode. His promotion lasted only for 2 months and 10 days. As per Rule 1643 – VIII (2) of Indian Railway Establishment Code, Vol. II, transfer grant and packing allowance will not be admissible for temporary transfers not exceeding 180 days. The claim of composite transfer grant is not automatic. The applicant should have submitted the required claim within a period of 6 months of his alleged transfer, said to have happened in 2009. He should have submitted the proof of change of residence. It is not the case of the applicant that he had the proof of change of residence and claimed the composite transfer grant as per rules.

6. Befit of merits, the O.A. is dismissed with no order as to costs.

(Dated, the 06th July, 2012)


K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER


JUSTICE P.R. RAMAN
JUDICIAL MEMBER

cvr.