

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.533/2001.

Friday this the 19th day of April 2002.
CORAM:

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

K.J.Gandhi,
Chief Parcel Clerk,
Karur.

Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Railways, Rail Bhvan,
New Delhi.
2. The General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O., Chennai-3.
3. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
4. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
5. The Chief Vigilance Officer,
Southern Railway,
Head Quarters Office, Park Town P.O.,
Chennai-3. Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 19th April 2002
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is a Chief Parcel Clerk, Karur has filed this application challenging the order dated 29.5.2001 of the Senior Divisional Personnel Officer, Palghat transferring him to Madurai Division. The inter-divisional transfer was made because the applicant was detected indulgence in malpractices in the decoy check. Alleging that the inter-divisional transfer of the

applicant without any exigencies of service is arbitrary and ultravires of Rule 226 of Indian Railway Establishment Code (IREC for short), the applicant has filed this application seeking to quash the impugned order A-1. The applicant has also challenged A-4, P.B.Circular No.30/1986 which prescribes that ticket checking staff detected in malpractices are required to be sent on inter-divisional transfer as a matter of policy.

2. The respondents seek to justify the impugned orders on the ground that the policy decision taken to transfer ticket checking staff detected indulging in malpractices were taken in public interest and that the impugned orders A-1 and A-4 are sustainable as they do not contravene the provisions of Rule 226 of IREC. The impugned order A-1 was issued as the applicant was detected indulging in malpractices in accordance with the policy decision and the exigencies of service, contend the respondents.

3. I have heard the learned counsel on either side. An exactly identical issue was considered by the Tribunal in O.A.379/00. It was held that, policy decision taken by the Railway Board to transfer the ticket checking staff and other commercial staff detected indulging in malpractices should be transferred outside the division, was taken with a laudable objective of maintaining probity in service and in furtherance of public interest and therefore, the Tribunal would not interfere. In this case also as the facts are similar and the applicant was allegedly detected indulging in malpractices has been transferred out, only in public interest. There is no allegation of

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malafides or abuse of power in transferring the applicant. I, therefore, do not find any justification for judicial intervention with A-1 and A-4 orders.

4. The application, therefore, fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 19th April, 2002.


A.V.HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the Office Order No.J/C 26/2001 dated 29.5.2001 issued by the 4th respondent.
2. A-2 : True copy of the charge memo dated 23.6.2000 issued by the Senior Divisional Commercial Manager, Southern Railway, Palghat.
3. A-3 : True copy of the Railway Board Order bearing No.E(NG)II/77/TR/112 of 6.2.1978.
4. A-4 : True copy of the Railway Board's Order bearing No.E(NG) 1-80/TR/28 dated 19.2.86.

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