

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.536/2002.

Wednesday this the 18th day of June 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

A.Dhavamani, D/o late T.Arjunan,
Head Clerk, Office of the Senior Section Engineer/
Carriage & Wagon, Southern Railway,
Salem Junction. Applicant

(By Advocate Shri T.C.Govindaswamy,
KM Anthru & Martin G.Thottan)

Vs.

1. Union of India rep. by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
4. The Senior Personnel Officer (Reservation),
General Manager's Office,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai-3.
5. S.Gopinathan, Head Clerk,
O/o the Senior Section Engineer,
Carriage & Wagon, Southern Railway,
Salem. Respondents

(By Advocate Shri P.Haridas (R.1-4)

The application having been heard on 18th June 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER MEMBER

The applicant is presently working as a Head Clerk in the
Office of the Senior Section Engineer, Carriage and Wagon, Salem.
This O.A. has been filed by the applicant, challenging the
transfer from Salem to Mettur Dam on the ground of administrative
exigencies. Annexures A-1 and A-6 are impugned by the applicant.

In A-6 it is made clear that the applicant has been transferred on periodical transfer applicable to sensitive categories. Aggrieved by the said order the applicant has filed this O.A. seeking the following reliefs.

- a) Call for the records leading to the issue of Annexure A-1 and A-6 and quash the same to the extent they relate to the applicant and direct the respondents to grant the consequential benefits thereof.
- b) Award costs of and incidental to this application.
- c) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. The respondents have filed a reply statement in which it is contended that it is only 41kms distance and as per the instructions, persons who are holding sensitive posts should be transferred out of their existing seat or station after every four years. It is also submitted that the transfer was made on administrative reasons and that therefore, there is no merit in the O.A.

3. Shri T.C.Govindaswamy learned counsel, appeared for the applicant and Shri Haridas, Standing counsel for Railways, appeared for the respondents.

4. When the matter came up for final hearing, learned counsel for the applicant submitted that he would be satisfied if the applicant is permitted to make a representation to the Chief Personnel Officer, Southern Railway, Madras (who is not a party to the O.A.) through the Senior Divisional Personnel Officer within two weeks and directing the Chief Personnel Officer, to consider and dispose of the representation within a time frame. It is also submitted that the concerned authority may kindly be



directed to consider the special circumstances and the family condition of the applicant and the subsequent developments in the vacancy position and also the feasibility of putting the applicant to any other post, if available in the same station and dispose of the representation accordingly.

5. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

6. In the circumstances, considering the interests of justice, this Court directs the applicant to make a comprehensive representation through proper channel to the Chief Personnel Officer, Madras, within two weeks and on receipt of such a representation, the CPO, Madras shall consider and dispose of the same and pass appropriate orders considering the special circumstances and family conditions of the applicant and communicate the same to the applicant, as expeditiously as possible, in any case within two months from the date of receipt of such representation. It is made clear that, if the applicant is not making a representation within the stipulated time, the orders A-1 and A-6 will prevail. It is also directed that the applicant may forward an advance copy of the representation to the respondents.

7. This Court direct that the interim order passed on 1.8.2002 will continue till the disposal of the representation and service of the copy of such decision to the applicant.

8. O.A. is disposed of accordingly. In the circumstance, no order as to costs.

Dated the 18th June, 2003.


K.V. SACHIDANANDAN
JUDICIAL MEMBER