

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.55/2007

Thursday this the 2nd day of August, 2007

CORAM

Hon'ble Mr. George Paracken, Judicial Member

K.A.George, aged 49 years,
S/o K.D.Antony, Senior Clerk,
Office of the Assistant Signal & Telecommunications,
Engineer/Railway Electrification/Southern Railway
Ernakulam Junction, residing at Koonthaly House,
Vallakunnu, Kallettunkara PO
Trichur District.

...Applicant

(By Advocate Mr. T.C.Govindaswamy)

V.

- 1 Union of India, represented by the
General Manager, Central Organization of
Railway Electrification (Ministry of Railways)
Allahabad.
- 2 The Chief Project Manager,
Railway Electrification,
Egmore, Chennai.8.
- 3 The Assistant Signal and Telecommunication
Engineer, Railway Electrification/Southern Railway,
Ernakulam Junction RS&PO
Kochi.16.
- 4 The Chief Workshop Manager,
Signal & Telecommunication workshop,
Southern Railway, Podanur,
Coimbatore District.

...Respondents

(By Advocate Mrs. Deepa G.Pal for Mr.P.Haridas)

This application having been finally heard on 26.7.2007, the Tribunal on 2.8.2007 delivered the following:

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ORDER

Hon'ble Mr. George Paracken, Judicial Member

Annexure.A1 Office order No.105/RE/2006 dated 22.12.2006 repatriating the applicant from his present place of posting in the Office of the Assistant Signal and Telecommunication Engineer/Railway Electrification, Ernakulam Junction to his parent office ie., the Signal & Telecommunication Workshop, Podanur is under challenge in this O.A.

2 The brief facts of the case are that the applicant was initially appointed as an LDC in the Tiruchirapally Division on 9.10.87 against a Physically Handicapped quota vacancy. During 1991, he got his transfer to the Signal and Telecommunication Workshop at Podanur on mutual transfer basis. Thereafter, in 1997, he was deputed to the Office of the Chief Project Manager, Railway Electrification, Chennai, Egmore on his request and was posted at Trichur. When the Headquarters of the said office was shifted to Tripunithura in the year 2001 and then to Ernakulam in the year 2003, he has also moved along with other staff. The respondents have now issued the aforesaid Annexure.A1 order repatriating him to his parent office as the electrification work in the ERS/TVS section has been completed. The applicant has challenged the said order stating that it is totally arbitrary and discriminatory as persons junior to him and persons from other Railways are still continuing as Senior Clerks under the Assistant Signal and Telecommunication Engineer, Ernakulam Junction and Trivandrum with the same work. He has cited the examples of one Shri Ramesh and another Shri Varghese who are presently working in the Railway Electrification, Trivandrum still retaining their lien with the Railway Board. He has also cited the case of one Shri Johnson, a Senior Clerk in

the same office of the applicant whose lien is in Nagpur Division of the Central Railway. He relied upon the Annexures.A3 and A4 orders dated 26.3.76 and 3.7.73 respectively issued by the respondents, according to which persons from other departments/Railways are to be repatriated first. He has also submitted that being a physically handicapped person with 50% disability and hailing from a Village in Irinjalakuda in Trichur District and his two children aged 15 and 13 years are studying in the same place and his father about 85 years is also staying with him, his transfer would cause substantial prejudice and irreparable loss to him.

3 The respondents in their reply have denied the allegation of the applicant that the Annexure.A1 order was issued to him in arbitrary and discriminatory manner and in violation of the constitutional guarantees. They submitted that the General Manager/Central Organization for Railway Electrification,Allahabad is the controlling authority for all project works of the Indian Railways set up to complete the works within the targeted time frame by the Railway Board. The office of the Assistant Signal and Telecommunication Engineer, Railway Electrification, Ernakulam where the applicant is presently working is only one such project field offices. The employees working in the Railway electrification are taken on deputation from various Railway Zones/Divisions of the Indian Railways keeping their lien with the respective parent offices. As and when the project work is completed, they are either re-deployed to other ongoing projects spread throughout India without any restriction regarding zones or divisions or repatriated to their parent units where the concerned employee has been holding his lien. The respondents have further submitted that the applicant was repatriated to his parent office for the main reason that the

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work undertaken by them in the Kerala State was nearing completion and no further Railway electrification is going on in the State at present. Accordingly, in view of his handicappedness the respondents considered it appropriate to repatriate him to his parent office in Podanur which is closer to his native place of Trichur instead of re-deploying him to any other far away places like Bangalore, Tiruchirappally, Tirupathi and other various places in India, where the Railway electrification work is still going on. The respondents have also furnished a copy of Annexure. R1 office order No.5/RE/2007 dated 3.1.2007 and Annexure R.1(a) Office order No.6/RE/2007 dated 4.1.2007 showing that 49 other similarly placed employees have also been either transferred to various places or repatriated to their respective parent offices. The respondents have, however, offered that if the applicant is willing to continue in the Railway electrification organization itself, he will be retained in any one of the project offices where work is going on under the General Manager, Central Organization, Railway Electrification, Allahabad.

4 The applicant refuting the submissions of the respondents in his rejoinder, filed a copy of the Annexure.A5 Office order No.ETR/252/RE/8100 dated 26.3.2007 by which the Office of the CPM/RE/MS has sought information from various units under the electrification department for justification for each category of staff working under their respective control so as to consider the proposal for extension of the currency of non-gazetted posts for further period from 1.4.2007 to 31.3.2008. The name of the applicant and other two Senior Clerks were shown in the list attached to the said Office Order. He has also produced Annexure A6 letter dated 10.4.2007 from the Assistant Signal and

Telecommunication Engineer,Ernakulam stating that the service of two Senior Clerks are essential for assisting the O.S in general matters like stores, general imprest, fuel imprest, stamp imprest, passing of bills for telephones/purchase orders and all the related correspondences.

5 In the additional reply statement filed by the respondents, they have submitted that it was not possible to close down the office immediately on completion of the work but only minimum number of staff are retained at Ernakualm for attending to the residual works. They have also produced Annexure.R.2 letter dated 26.5.2007 from the Assistant Signal and Telecommunication Engineer,Railway Electrification, Ernakulam relieving Shri P.B.Johnson, Senior Clerk/Railway Electrification,Emakulam who was working with the applicant. He has already joined duty in his parent department on 28.5.2007. They have also produced Annexure R.3 letter dated 19.6.2007 from the Office of the Chief Project Manager, Railway Electrification, Chennai confirming that the post of Senior Clerk (occupied by Shri P.B.Johnson) has already been transferred to RE/MS and stating that no Senior Clerk is required for that office as the ongoing work could be managed by one OS/II and one Senior Typist.

6 I have heard Mr.T.C.Govindaswamy for the applicant and Mrs.Deepa G.Pal on behalf of the respondents and have gone through the pleadings. It is very clear from the facts as narrated by the respondents that the respondents have repatriated the applicant to his parent office, namely, the Signal and Telecommunication Workshop at Podanur mainly for the reason that the Railway electrification work undertaken by the respondents in the State of Kerala was over and the

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services of the applicant was no more required by them at Ernakulam. The other consideration for his repatriation to Podanur was that it was closer to his native place of Trichur and the applicant being a physically handicapped person would have preferred it rather than re-deployed in any far of places. In any case, I am convinced that there is no arbitrariness or discrimination on the part of the respondents in his repatriation to his parent office as alleged by the applicant. The O.A is, therefore, dismissed with no order as to costs.

7 However, as offered by the respondents themselves, the applicant may make an application for re-deployment in the various projects under the General Manager, Central Organization, Railway Electrification, Allahabad, within one week from the date of receipt of this order, if he so desires, and the respondents shall consider the same favourably and pass an appropriate order re-deploying him in any of the projects depending upon the needs of the personnel and convey the same to the applicant within one month from the date of receipt of such an application.

Dated this the 2nd day of August, 2007


GEORGE PARACKEN
JUDICIAL MEMBER