

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 543 of 1996

Friday, this the 7th day of June, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

E. Karunakaran, S/o Late Ekkoran,  
Office Superintendent Grade I,  
Southern Railway, Ernakulam.  
(Residing at 28A, Railway Quarters,  
Southern Railway, Ernakulam Junction). .. Applicant

By Advocate Mr P. Ramakrishnan.

Vs

1. Union of India, represented by  
the General Manager,  
Southern Railway, Madras-3.
2. The Chief Operations Manager,  
Southern Railway, Madras -3.
3. The Chief Personnel Officer,  
Southern Railway, Madras -3.
4. The Divisional Personnel Officer,  
Southern Railway, Trivandrum. .. Respondents

By Advocate Mrs Sumathi Dandapani for Respondents 1- 4.

The application having been heard on 7th June 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who is holding the post of Office Superintendent Grade I, challenges A-1 order shifting the office and himself from Ernakulam to Madurai. According to him, there is enough work to operate the post at Ernakulam, and there is no justification for shifting the post to Madurai. It is exclusively in the jurisdiction of the administration to decide where a

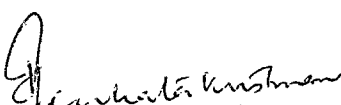
post should be operated, what are the considerations for shifting a post or retaining it and so on. We will not be justified in examining and deciding where the post should be operated.


2. Standing counsel for the Railways submits that the post should have been shifted to Madurai during 1991 but that it happened to be retained here largely to benefit the applicant on the basis of orders issued by the then Railway Minister ( para-3 of the reply statement). This is a fit case for declining jurisdiction in the absence of any legal right in the applicant.

3. However, if he is willing to forego the promotion, he will be retained as a Chief Clerk at his present station, since he has only less than two years time to retire.

4. Application is disposed of as aforesaid.  
No costs.

Dated the 7th June, 1996.

  
P V VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN

List of Annexure

Annexure A1: True copy of office order No.T.18/96/Clerl  
dated 18-4-1996 issued by the 4th respondent