

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.56/05**

**Wednesday this the 16<sup>th</sup> day of February 2005**

**C O R A M :**

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

V.Konu Balan,  
Cabin Man I,  
Parappanangadi, J/B2045,  
Southern Railway, Palghat Division. ..Applicant

(By Advocate Mr.P.R.Shaji)

**Versus**

1. Union of India represented by the General Manager, Southern Railway, Chennai.
2. The Senior Divisional Manager, Southern Railway, Palghat Division, Palghat.
3. The Divisional Personnel Officer, Palghat Division, Southern Railway, Palghat.
4. Senior Divisional Safety Officer, Palghat Division, Southern Railway, Palghat. ..Respondents

(By Advocate Mr.K.M.Anthru)

This application having been heard on 16<sup>th</sup> February 2005 the Tribunal on the same day delivered the following :

**ORDER**

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

The applicant who is Cabin Man I, Parappanangadi is aggrieved that by Annexure A-5 order dated 20.12.2004 he has been transferred to Kanganadi near Mangalore on account of alleged commissioning of panel inter locking at Tanur – Parappanangadi Section. It is alleged in the application that the applicant was posted at Parappanangadi about 16 months earlier on his request, that one A.K.Rajan who was transferred is still being retained there and that the transfer of the applicant is arbitrary, illegal and malafide. The applicant, therefore, seeks to set aside the

impugned order to the extent it affects him.

2. The respondents contend that as the requirement of Group D in Parappanangadi has got reduced to four on account of panel inter locking the applicant who is the junior most had to be transferred. Retention of Rajan is sought to be justified stating that on consideration of his representation it was decided to retain him.

3. The applicant has filed a rejoinder inter alia indicating that there is a vacancy of Sweeper-cum-Porter and other equivalent posts on which he could be accommodated.

4. When the application came up for hearing today the counsel agree that the application may be disposed of permitting the applicant to make a representation to the 4<sup>th</sup> respondent seeking adjustment against the post of Sweeper-cum-Porter or any other equivalent posts at Parappanangadi and directing the 4<sup>th</sup> respondent to consider and dispose of the representation at an early date keeping in abeyance the relief of the applicant till then.

5. In the light of the above submission made by the learned counsel on either side the application is disposed of permitting the applicant to make a representation to the 4<sup>th</sup> respondent seeking retention at Parappanangadi against the post of Sweeper-cum-Porter or any equivalent post of Cabin Man within a period of eight days from the date of receipt of a copy of this order and directing the 4<sup>th</sup> respondent that the representation so submitted by the applicant shall be considered and appropriate reply given to him at the earliest keeping in abeyance the relief of the applicant on the basis of the impugned order till an order on his representation is served on him.

(Dated the 16<sup>th</sup> day of February 2005)

  
A.V.HARIDASAN  
VICE CHAIRMAN