

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
~~XXXXXX~~

561/ 1990

DATE OF DECISION 12.7.1990

P. Karunakaran Applicant (s)

M/s. P. Sivan Pillai, R. Sreekumar Advocate for the Applicant (s)

Versus

The Union of India, Respondent (s)
Through the General Manager,
S. Railway, Madras-3 and five others

M/s M.C. Chelian / TA Rajan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

The applicant in this case challenges Annexure-A5 transfer order on various grounds including malafide.

2. His case is that as per Annexure-I, which lays down the guidelines for the transfer, an officer who wants a transfer of his choice has to effect registration. Accordingly he has effected the registration disclosing his choice for transfer to one of the three stations nearer ~~to~~ his home State as stated by him while effecting the registration. Ignoring the registration already made and the guidelines for transfer, he has been transferred along with others to Magdonal Virapadi Junction station.

as per Annexure-A.4. But on an oral representation the transfer order was modified and he has been transferred to Anangur station as per Annexure A.5 dated 15.6.90. According to the applicant, this transfer is also against the guidelines and his registration disclosing the choice. It causes greater disadvantage and hardship to him. He has also a case that since he has only very few years to retire, he is entitled to a transfer to a station either in Kerala, which is his home State, or very nearer to that State.

3. We have also heard the learned counsel for the respondents who appeared before us when this matter came up for admission today. Hence we are disposing of this application at the stage of admission.


4. After hearing the arguments we are of the view that the allegations of the applicant are matters to be considered by the administrative authority at the first instance. Since there is a case of malafide as urged by the applicant in this application, we feel that it requires consideration by the Divisional Railway Manager, Southern Railway, Palghat. Accordingly, we dispose of this application with the following directions in the interest of justice:-

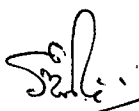
- (i) The applicant shall file a representation before the Divisional Railway Manager, Southern Railway, Palghat stating all his grievances within a period of two weeks from today.

- (ii) If such a representation is filed by the applicant, the Divisional Railway Manager, Southern Railway, Palghat shall dispose of the same considering his grievances and allegations raised by him in the application and pass appropriate orders in accordance with law and serve a copy of it on the applicant.
- (iii) Till the disposal of the representation and service of the order on the applicant the respondents No.2 and 3 shall keep in abeyance Annexure-A.5 order in so far as it concerns the applicant only.

5. The O.A is disposed of on the above lines.

There will be no order as to costs.


12.7.90
(N.DHARMADAN)
JUDICIAL MEMBER


12.7.90
(S.P. MUKERJI)
VICE CHAIRMAN

12.7.90