

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 564/99

Tuesday the 25th day of May 1999.

CORAM

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

P. Rajendran
S/o V.Ponnuswamy
Section Engineer/Permanent Way
Southern Railway, Bommidi.
R/o Railway Quarters
Bommidi Railway Station & P.O.
Dharampuri District
Tamil Nadu.

...Applicant.

(By advocate Mr T.C.Govinda Swamy)

Versus

1. Union of India, represented by
The General Manager
Southern Railway, HQ Office
Park Town P.O., Madras-3.
2. The Chief Engineer
Southern Railway, HQ Office
Park Town P.O., Madras.
3. The Chief Personnel Officer
Southern Railway, HQ Office
Park Town P.O., Madras.
4. The Divisional Railway Manager
Southern Railway
Palghat Division, Palghat.
5. The Senior Divisional Engineer (Coordination)
Southern Railway, Palghat Division
Palghat.
6. The Senior Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat.
7. A. Ponnappan
Section Engineer (permanent Way)
Southern Railway
Tirupattur Railway Station
Tamil Nadu.

...Respondents.

(By advocate Mrs Lakshmi for Smt.Sumati Dandapani)

(Cause title corrected vide order dated 2.6.1999)

The application having been heard on 25th May 1999,
the Tribunal on the same day delivered the following:

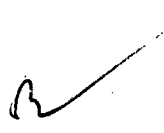
O R D E R

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

Shri P.Rajendran presently working as Section
Engineer, Permanent Way, Southern Railway, Bommidi,
Tamil Nadu is one of the persons who have been transferred
by Annexure A-2 order. The applicant has now been posted

to Quilandy railway station of Palghat Division. The applicant states that his transfer from Tamil Nadu to a place in Kerala has resulted in problems touching the education of his son studying in a Tamil medium school whereas no such Tamil medium school is available in Quilandy. The applicant has, therefore, assailed the order of transfer on the ground that the transfer of the applicant is arbitrary and irrational. He has also alleged in the application that the sixth respondent not being the competent authority to issue the order of transfer, the order is not sustainable.

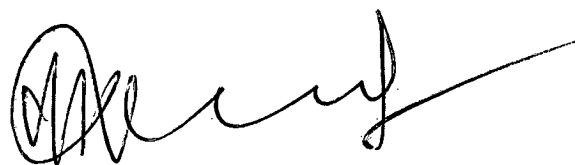
2. I have perused the application and also heard the learned counsel of the applicant as well as of the respondents. The impugned order is an order of transfer simpliciter. There is no allegation of malafide against the order. The question of law raised by the applicant is that of jurisdiction of the sixth respondent to issue the order of transfer. A perusal of the impugned order of transfer itself will be sufficient to discard that contention because it has been stated that the order has got the approval of the competent authority. To be sure that the competent authority has approved the transfer, I have perused the file made available by the counsel for the respondents, which shows that the impugned A-2 order has been approved by the Divisional Railway Manager (DRM) in his own handwriting. Therefore, the contention that the sixth respondent not being the competent authority to issue the order of transfer, the order is invalid has no force. His next contention is that by transferring the applicant from Tamil Nadu to Kerala, his son's education would be jeopardised. I find from the order that there are other persons, for instance, Sl.Nos. 8, 11 and 12 who have been similarly transferred from one linguistic region to another.



The transfer being an incident of service, unless there is colourable exercise of power or violation of statutory rules, judicial intervention is not justified. As no such situation is available in this case, I am of the considered view that the application does not deserve to be admitted.

In the light of what is stated above, this application is dismissed. No order as to costs.

Dated 25th May 1999.



(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

Annexures referred to in the order:

A-2, true copy of the order No.J/W 123/99 dated 10.5.99 issued by the 6th respondent.