

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 568 / 92 109
T. A. No.

DATE OF DECISION 16.4.92

T. V. Madhavan _____ Applicant (s)

Mr. P. Sivan Pillai _____ Advocate for the Applicant (s)

Versus

Union of India through General Respondent (s)
Manager, Southern Railway, Madras-3 and others

Mr. M.C. Cherian _____ 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?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is a Station Master Grade-III working at Coimbatore North Railway Station. He has challenged his transfer as per Annexure A-2 order dated 8.4.92 from Coimbatore North Railway Station to Kanur on various grounds. He submitted that the transfer is against the policy statement contained in Annexure A-3 and A-4. According to him, the persons who have not completed four years shall not be disturbed from one place to other without completing the tenure period of four years. The applicant came to Coimbatore North Station on his request only a year back and in the light of the policy statement

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he is entitled to continue in the place for a further period of three years more within which he is to retire from service. The applicant has also submitted that he is native of Coimbatore and he has some personal difficulty in moving from Coimbatore to the place ⁶⁴ which he has been now transferred.

2. When the application came up for admission today on mention, we heard the learned counsel appearing on both sides. Accordingly, we are of the view that this application can be admitted and disposed of with appropriate direction to the respondents.

3. The applicant submitted that he is prepared to submit a detailed representation before the second respondent who is the competent authority to consider the grievance of the applicant. The learned counsel for the respondents also submitted that if the applicant files a detailed representation it shall be considered and disposed of within a fixed period. Having regard to the facts and circumstances of the case, we feel that this application can be disposed of as indicated above.

4. Accordingly, we direct the applicant to file a detailed representation against his transfer as per the order Annexure A-2 dated 8.4.92. This shall be filed by the applicant before the second respondent within a period of ten days from today. If such a representation is filed by the applicant

as directed above, the second respondent shall consider and dispose of the same in accordance with law within three weeks from the date of ^{submitting} the representation. Till the disposal ^{being} of the representation and communication of the order to the applicant, Annexure A-2 impugned transfer order to the extent of transfer ^{of} the applicant from Coimbatore to Kanur shall be kept in abeyance.

5. The application is disposed of as above.
6. There shall be no order as to costs.
7. Copy of the order be given to learned counsel for both parties by hand.

N. Dharmadan
16.4.92

(N. DHARMADAN)
JUDICIAL MEMBER

S.P. Mukerji
16.4.92

(S.P. MUKERJI)
VICE CHAIRMAN

16.4.92

kmn