

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.567/2003.

Friday this the 11th day of July 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

T.N.Karthikeyan,
Senior Gate Keeper/KM8/9-10/Kumbalam,
Residing at Planthadam House, Irumpayam Kara,
Irumpayam P.O. Via, Thalayolaparambu,
Kottayam District. Applicant

(By Advocate Shri T.C.Govindaswamy)

Vs.

1. Union of India represented by the General Manager, Southern Railway, Park Town P.O., Chennai-3.
2. Senior Divisional Engineer, Southern Railway, Trivandrum Division, Trivandrum-14.
3. The Assistant Divisional Engineer, Southern Railway, Quilon.
4. Sri.Sanjay Yadav, Additional Divisional Engineer, Southern Railway, Quilon.
5. Sri.K.T.Johny, Senior Rest Giver, Gate Keeper, Southern Railway, Aroor Railway Station, Aroor. Respondents

(By Advocate Shri P.Haridas)

The application having been heard on 11th July 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, who is a Senior Gate Keeper, aggrieved by A-2 order dated 3.7.03 posting him as Senior Trackman at Arur, and questioning the propriety and legality of his transfer from the post of Senior Gate Keeper to that of Sr.Trackman on several grounds, has filed this O.A. seeking the following main relief:

Call for the records leading to the issue of Annexure A2 and quash the same; and direct the respondents to allow the applicant to continue in his present assignment of Senior Gate Keeper.

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2. When the matter came up for consideration for admission Shri T.C.Govindaswamy, learned Counsel appeared for the applicant and Shri P.Haridas, learned Standing Counsel took notice for the respondents 1 to 3. Learned counsel for respondents agrees that, if the applicant makes a representation to the 2nd respondent against the impugned order, the 2nd respondent would consider the same and pass appropriate orders thereon in the light of the existing instructions and having regard to the special facts and circumstances of the applicant's case.

3. Since the counsel on either side has agreed to the course of action as indicated above, we consider it appropriate to dispose of this O.A. by permitting the applicant to make a representation to the 2nd respondent within a period of two weeks from today and directing the 2nd respondent to consider and dispose of the same and pass appropriate orders with copy to the applicant within a period of one month thereof. We do so accordingly.

4. It is made clear that, till the disposal of the representation, if submitted within time as indicated above, the interim order dated 10.7.03 shall continue.

5. There is no order as to costs.

Dated the 11th July 2003.


K.V. SACHIDANANDAN
JUDICIAL MEMBER


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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