

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM, BENCH

O. A. No.
T.A. No. 569

199 2

DATE OF DECISION 7.8.92

P.C. Zacharia Applicant (s)

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

Versus

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

Mr. M.C. Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

(Hon'ble Mr.)

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 at present working as ~~Station Master~~ Grade-III at Coimbatore North Railway Station. His grievance is against Annexure-A1 order by which he has been transferred along with others from Coimbatore North to Magnesite Junction Cabin, which is far away from Coimbatore. According to the applicant, Station Masters are classified as persons working in sensitive category of posts and they are covered by Annexure-A2 letter dated 27.9.89. As per the policy adopted by the Board, Annexure A-3 Station Masters cannot be transferred before completion of four years at a station. The present transfer, according to the applicant is contrary to both Annexure A-2 and A-3. He further

submitted that one T. V. Madhavan who was also transferred along with the applicant as per the impugned Annexure A-1 transfer order, approached this Tribunal by filing O.A. 566/92 which was heard and disposed of by the judgment dated 16.4.92 directing the applicant thereinto to file a representation within 10 days' time before the Sr. Divisional Personnel Officer, Southern Railway, Palghat, the second respondent, who may consider and pass orders. Accordingly, the Officer had considered the grievances of the applicant therein and cancelled the transfer order. It is further submitted that the applicant is entitled to similar treatment particularly in view of the fact that applicant's wife is employed at Coimbatore and he is eligible for the benefit of the policy of the Govt. that both husband and wife who are Govt. employees should be posted in the same place as far as possible taking into consideration vacancy position and administrative exigency.

2. The respondents opposed the application by filing reply and they have contended that the transfer has been effected in the exigency of service and the application is to be dismissed.

3. After hearing learned counsel for both parties, I am of the view that this Tribunal has already decided the issue of another Station Master, Shri Madhavan, who was also similarly transferred from Coimbatore to Karur and his case was disposed of with appropriate directions. Having regard to the facts and circumstances of the case, I am of the view that applicant's case also deserves consideration by the second respondent on the same lines. Accordingly, I direct applicant to file a detailed representation before the second respondent within a period of one week from the date of receipt of a copy of this order. If such a representation is received, second respondent shall consider

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and dispose of the same in accordance with law. Till the second respondent considers and disposes of the representation, interim order already passed on 20.4.92 shall be in force.

4. The application is accordingly disposed of on the above lines.

5. There will be no order as to costs.


7.8.92
(N. Dharmadan)
Judicial Member
7.8.92

kmm