

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 573/99

Wednesday, this the 26th day of May, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

B.C. Mandal,
S/o. Late Shri. S.N. Mandal,
Catering Inspector, Grade I,
Kerala Express B.No.XI,
Southern Railway,
Trivandrum 14,
residing at Mandal Niketan,
TC 25/886-1, Thycaud,
Trivandrum - 14.

...Applicant

By Advocate Mr. T.N. Sukumaran

Vs.

1. Union of India, represented by the General Manager, Southern Railway, Chennai - 3.
2. Chief Personnel Officer, Southern Railway, Chennai - 3.
3. Deputy Chief Commercial Manager (Catering), Southern Railway, Chennai - 3.
4. Senior Divisional Commercial Manager, Southern Railway, Trivandrum - 14.

...Respondents

By Advocate Mrs. Sumathi Dandapani

The application having been heard on 26.5.99, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

Mr. B.C. Mandal, the applicant in the O.A. while working as Catering Inspector, Grade I, Kerala Express, B.No.XI, Southern Railway, Trivandrum has been served the impugned order A-8 by which he stands transferred as Catering Inspector, Vegetarian Refreshment Restaurant, CIR, Bangalore. It is alleged in the

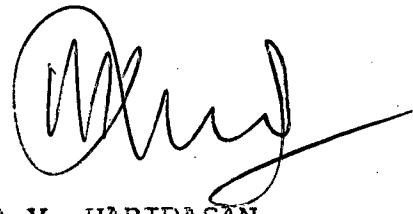
application that just because a disciplinary proceeding is pending against him, without any justification and against the instructions contained in the Railway Board's letter No.E (D&A)65 RG 6-6 dated 25.3.1967 which stipulates that when a disciplinary proceeding is pending against a Railway Servant, he should not be normally transferred from one Division to another Division, the respondents have transferred the applicant to Bangalore. It is also alleged in the application that the charge sheet at A-5 has been issued without just and reasonable cause. With these allegations, the applicant seeks to set aside the impugned order of transfer.

2. Going through the application and the annexures appended thereto and on hearing Shri. T.N. Sukumaran, the learned counsel for the applicant and the standing counsel for the respondents, I do not find any reason to entertain this application. There is no allegation of mala fides. It is also not disputed that the applicant is holding a transferrable post. The only ground stated is that while as per the Railway Board's instructions, a non-gazetted Railway Servant is not to be transferred normally out of Division even if he is facing a disciplinary proceeding, the respondents have transferred the applicant. The Railway Board's instructions is in the nature of a guideline and not a Statutory Rule. Further, the instructions does not place any fetter on the right of the competent authority to order any transfer is required in the exigencies of service. A reading of the impugned order shows that the transfer of the applicant is made on administrative grounds. As there is no allegation of mala fides or infraction of Statutory Rules, I find that judicial intervention is not at all called for.



3. In the light of what is stated above, the application is dismissed in limine. No costs.

Dated the 26th day of May, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER

1. Annexure A-5:

True copy of charge sheet N.O.V/VO/T/FR/132/98 dated 12.1.99 issued by Senior Divisional Commercial Manager, Southern Railway, Trivandrum.

2. Annexure A-8:

True copy of Office Order No.P(RR)/14/99 dated 10.5.99 issued by Chief Personnel Officer, Southern Railway, Chennai.