

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.575/03

Tuesday this the 15th day of July, 2003

C O R A M:

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

K.Rathinam
S/o. M.Krishnan,
Travelling Ticket Examiner/Sleeper/
Coimbatore, Southern Railway.

Applicant

(By advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India,
Represented by the General Manager,
Southern Railway,
Head Quarters Office,
Park Town P.O., Chennai-3.
2. The Divisional Commercial Manager,
Southern Railway,
Palghat Division, Palghat.
3. The Senior Divisional Commercial Manager,
Southern Railway,
Palghat Division, Palghat.
4. The Chief Vigilance Officer,
Southern Railway,
Head Quarters Office,
Park Town.P.O., Chennai-3.

Respondents

(By advocate Mr.P.Haridas)

The application having been heard on 15th July, 2003 the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is a Travelling Ticket Examiner has
filed this application challenging the order dated 7.7.03
(Annexure A-5) of the third respondent directing that the
applicant be utilised for Stationery Duties with immediate effect
until further orders. From the records it is evident that this

(Signature)

action has been taken as DAR proceedings against the applicant is pending. It is alleged in the application that on the basis of a "vigilance check" the applicant was transferred to Tiruchchirappalli Division by order dated 26.2.03 which was challenged by the applicant in O.A.274/03, that the Tribunal by order dated 2.4.03 directed the Chief Personnel Officer, Southern Railway, Palghat Division to dispose of the representation and that the above representation was disposed of by A-1 order rejecting his request for retention, that A-1 order was however challenged by the applicant in O.A.469/03 in which an interim order (Annexure A-4) was issued directing that the status quo should be maintained regarding the posting of the applicant till the next date of hearing, that in the meanwhile Annexure A-2 (Standard Form No.11) was issued, that the applicant has submitted an explanation denying his guilt and that the present order putting the applicant to Stationary Duty which is otherwise known as "Grounding" in the Railway Parlance was issued which cannot be justified for this has been done as an indirect penalty to deprive the applicant of the allowances that he might otherwise earn. With these allegations the applicant seeks to set aside the impugned order declaring that the same is arbitrary, discriminatory and unconstitutional and to direct the respondents to allow the applicant to continue to discharge his duties, as if Annexure A-5 has not been issued at all.

2. I have gone through the entire pleadings and annexures appended thereto very carefully and have heard Shri.Anthru, counsel for the applicant and Shri.P.Haridas, Standing counsel for the Railways. Shri.Anthru argued that as the applicant is

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not guilty of the allegations made in the SF No.11 Memorandum of Charge and as no guilt of the applicant has so far been established, to deprive the applicant of the allowances which he would otherwise entitled to as a Travelling Ticket Examiner by putting him to Stationary Duty is arbitrary, discriminatory and unreasonable and therefore the impugned order is liable to be set aside. P.Haridas, counsel for the respondents on the other hand, argued that what has been directed by A-5 order is only a change of duty in the same pay scale in public interest in the wake of a DAR action pending against the applicant and that once the order on A-2 Memorandum is passed by the competent authority the appropriate orders regarding re-allocation of work would be issued and there is no reason for admission of the application and further deliberation.

3. I find that there is no legitimate grievance of the applicant deserving admission of this application. What has been directed by the impugned order is allocation of Stationary Duty to a Travelling Ticket Examiner which according to the applicant is known in Railway Parlance as "Grounding" which is not a penalty but just an allotment of duty depending on the decision of the competent authority. After passing an order on A-2 Memorandum the competent authority will be issuing appropriate orders regarding reallocation of duty to the applicant as stated by the learned counsel for the respondents. The interim arrangement directed by the impugned order having been taken by the competent authority in public interest and the same does not visit the applicant with any adverse civil consequences, as it is

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only a grounding which is permissible, I reject this application under Section 19(3) of the Administrative Tribunals Act, 1985.
No costs.

(Dated 15th day of July, 2003)



A.V. HARIDASAN
VICE CHAIRMAN

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