

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO.578/09
DATED THE 15TH DAY OF DECEMBER, 2009.

CORAM:

HON'BLE DR K B S RAJAN, JUDICIAL MEMBER
HON'BLE MR K GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K Sasi,
Sr Steno, O/o.Deputy CE/CN/CAN,
Komath House, Orichiuam Post,
Calicut. ... Applicant

By Advocate Mr Martin G Thottan

V/s

- 1 The General Manager,
Southern Railway, Chennai.
- 2 The Chief Administrative Officer,
Southern Railway, Construction,
Chennai.
- 3 The Deputy Chief Engineer(Construction),
Southern Railway, Cannanore. ... Respondents

By Advocate Mr K M Anthru

This application having been heard on 15th December, 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr K B S RAJAN, JUDICIAL MEMBER

The applicant volunteered to work in the Construction Wing in and around/within Palghat Division where his family is residing. Accordingly he was posted to Cannanore to the post of Stenographer.

However, he was transferred to CAO/Construction, Madras against which he filed OA 200/2009. This particular OA was disposed of with a direction to the respondents to consider the representation of the applicant.



The applicant was thereafter repatriated to his parent department vide Annexure A-5 order dated 17.8.2009 which is under challenge. According to the applicant, the respondents could have retained him at Cannanore in the Construction Wing. The said post is stated to be lying vacant at Cannanore.

Reply has been filed by respondents contesting the case. According to the respondents, the Transfer order is fully valid and does not call for judicial intervention as none of the vested right of the applicant gets hampered.

Rejoinder has also been filed by applicant.

Counsel for the applicant submitted that the entire facts of the case would reveal, that the applicant's movement was to retain another individual at Cannanore but in order to avoid this situation, the respondents have kept the post vacant. The said individual was also transferred to Madras and then from Madras to Podannur. As such, one vacancy is still available at Cannanore, there is no necessity for respondents to repatriate the applicant.

Counsel for the respondents submit that the respondents have no objection in retaining the applicant in the Construction Wing provided he accepts transfer to a place where vacancy exists. At present, at Salem a vacancy is available.

Counsel for the applicant in his rejoinder submitted that the request of the applicant for posting somewhere in and around Palghat Division is to be near Cannanore or Calicut.

We have considered the issue. As it is, no vested right of the applicant has been hampered. After all, he has been repatriated. He cannot insist to get posted at a particular place. However, since a vacancy is available at Cannanore or Calicut, if the respondents desire to fill up the vacancy, in view

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of the fact that the applicant originally volunteered to get posted at Cannanore or Calicut, his case may also be considered alongwith others and preference may be given subject to the same not being against the prescribed norms. With the above direction, the OA is disposed of. No costs.



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER.



K B S RAJAN
JUDICIAL MEMBER

abp