

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No.593 OF 2006

Tuesday, this the 5th day of June, 2007

CORAM :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

Usha T.A.
Senior Commercial Clerk,
Booking Office,
Ernakulam Junction Railway Station
Southern Railway, Trivandrum Division,
Residing at : Valiyaparambil Hosue
HMCA Road,
South Chittoor, Cochin - 682 027 : Applicant

(By Advocate Mr. Shafik M.A.)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Chennai
2. The Divisional Railway Manager
Southern Railway, Trivandrum Division
Trivandrum
3. The Senior Divisional Personnel Officer
Southern Railway, Trivandrum Division
Trivandrum : Respondents

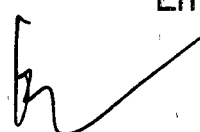
(By Advocate Mrs.Sumathi Dandapani, Senior with Ms.P.K.Nandini)

The application having been heard on 05.06.2007, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant is aggrieved by the order of transfer No.
24/2006/CC dated 04.07.2006 (Annexure A-1) whereby she had
" on administrative grounds " been transferred alongwith the post
of Senior Commercial Clerk from Ernakulam Station to Piravam
Road. By an interim order, she has been allowed to continue in
Ernakulam Station itself.



2. The grounds of transfer as could be seen from the reply are that the applicant was transferred in the interest of administration and not on periodical basis (Para 5 of the reply). As per policy, persons who have been found guilty of corrupt practices are to be transferred from the particular office/station and posted to office/station wherein the propensity of committing the offence is relatively less. In the instant case, the proceedings were concluded and the penalty imposed as per Annexure A-3 order dated 31.07.1995, the applicant had thus committed a serious case of financial impropriety consequent administrative actions have been taken in the interest of prudent working of the system and also to reform the applicant. (Para 10 of the reply)

3. It is the case of the applicant that after imposition of minor penalty in 1995, the applicant was awarded a certificate of merit dated 10th April, 2001 which could not have been so awarded had the sting of earlier penalty been continued. As such, no "reform" treatment was needed in the case of the applicant consequent to the penalty imposed in 1995 by way of of transfer of the applicant after a decade to "reform the applicant."

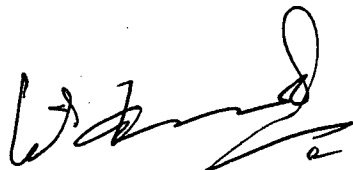
4. The counsel for respondents submitted that ever since the applicant was appointed in the Railways, her postings has been throughout within the city of Ernakulam/Cochin. As such, the Railways have power to shift her.

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5. Arguments were heard and documents perused. While the power to transfer the employee is not questioned, what is to be seen in this case is whether the reason for transfer of the applicant is justified. The penalty was imposed in 1995 and that too a minor penalty, and the applicant had been thereafter transferred to a few places in Ernakulam City/Cochin. She has been awarded the merit certificate in 2001. As such, it is not exactly clear as to how consequent upon the penalty imposed upon her in 1995 to reform the applicant, the Railways had moved to transfer the applicant after one full decade. The reason given by the respondents is totally unjustified and illogical. It could have been a different matter had the applicant been transferred "on periodical basis" but the respondents themselves clearly stated that the extent of transfer is not based on periodical basis. As such, transfer order at Annexure A-1 cannot stand judicial scrutiny and is therefore quashed and set aside.

6. The **O.A** is allowed. No costs.

Dated, the 5th June, 2007.



K.B.S. RAJAN
JUDICIAL MEMBER

VS