

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 593/2008

Dated the 17<sup>th</sup> day of September, 2009

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

- 1 V.Vasantha kumar S/o Vadivelu  
Keyman, Southern Railway  
Walayar R.S.  
Residing at No. 13-B, Door No. 2  
Indira Nagar, Vallaloor Road  
Podanur, Coimbatore district.
- 2 R. Usha Rani W/o V. Vasanthakumar  
Trackwoman, Southern Railway, DTM No.1  
O/o the Section Engineer, Permanent Way  
Coimbatore North  
residing at No. 13-B, Door No. 2  
Indira Nagar, Vallaloor Road  
Podanur, Coimbatore District.
- 3 R. Vasantha Kumari D/o Ramaya  
Senior Sweeper cum Porter  
Southern Railway, Walayar R.S. and PO  
residing at No. 3/2341  
Indira Puram, Walayar Dam Post  
Palghat District.

Applicants

By Advocate Mr. T.C. Govindaswamy

Vs

- 1 Union of India represented by the  
General Manager  
Southern Railway, HQrs Office  
Park Town PO  
Chennai-3
- 2 The Divisional Personnel Officers  
Southern Railway,  
Palghat Division, Palghat.

- 3 The Divisional Personnel Officer  
Southern Railway, Salem division  
Salem
- 4 Chief Workshop Manager  
Southern Railway  
Signal & Telecommunication Workshop  
Podanur, Coimbatore.

Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The Application having been heard on 10.9.09 the Tribunal delivered the following

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicants, Group-D employees of the erstwhile Palghat Division, Southern Railway, had registered their request in the proforma for transfer against direct recruitment quota vacancies in the cadre of Khalasis/Helpers in the Signal and Telecommunication Workshop, Podanur, Southern Railway (Annexures A-1, A-2 and A-3 respectively). The grievance of the applicants is that the respondents had not taken any steps to consider their transfer despite specific orders of the Railway Board and the General Manager, Southern Railway to grant such transfer (Annexure A-4). Since no steps were taken by the respondent, they sent representations (A5, A-6 and A-7 respectively). Thereafter, the Salem Division was formed carving out certain portions of the erstwhile Palghat Division w.e.f. 1.11.2007. According to them, respondents 2 and 4 are competent to take a decision on the representations. Hence they filed this O.A. for a direction to the 2<sup>nd</sup> & 4<sup>th</sup> respondents to take a decision on their representations. They have also filed M.A. for joining together to file this Application.

2 The respondents filed a counsel statement opposing the Application on jurisdiction. According to them the 2<sup>nd</sup> applicant is at present working in Salem division and she is residing in Coimbatore District of Tamil Nadu.

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Therefore, this Bench lacks jurisdiction. They denied receipt of the representations submitted by the applicants. They however submitted that Annexure A-4 is not applicable to the applicants as the 1<sup>st</sup> and 2<sup>nd</sup> applicants are working in the Engineering Department as Keyman & Trackwoman and the 3<sup>rd</sup> applicant is working as Sweeper-cum-Porter in the Operating Department and all are seeking transfer from Engineering Department to Signal & Telecommunication Department as Khalasi/Helper. They submitted that the representations alleged to have been submitted by the applicants were in the year 2005, hence the cause of action arose on that year, therefore the OA is liable to be dismissed on delay and latches.

3 The applicants filed rejoinder reiterating that Annexure A-4 covers the issue and that the applications were submitted through proper channel. They also drew our attention to the endorsement dated 26.9.05 made by the Section Engineer, Permanent Way West, Southern Railway, Podanur in support of their averment that the applications were submitted through proper channel.

4 The respondents filed reply statement to the rejoinder stating that the procedure followed in connection with processing of transfer of an employee from one Station/Depot/Division in the same category totally varies with that involving a change of category. The applicants sought for a transfer involving change of category. Applications for change of category would normally be forwarded to the Headquarters for registration and further transmission to the concerned Division/Unit. Registration of such applications are not done in the forwarding Division. They reiterated that they have not received the representations alleged to have been submitted by the applicants.

5 I have heard the learned counsel appearing for the parties and perused the records.



6 The learned counsel for the applicants argued that the applicants have submitted applications in the prescribed proforma for transfer to Signal & Telecommunication Workshop at Podanur, Southern Railway in terms of Railway Board orders in force on the subject. They have produced proof to show that the applications were forwarded to the Sr. DPO, Palghat Division on 24.7.2005. The learned counsel further argued that part of the cause of action had arisen within the territorial jurisdiction of the Tribunal. The learned counsel for the respondents on the other hand argued that the 2<sup>nd</sup> applicant is working under the territorial jurisdiction and Administrative Control of Salem Division which falls in Tamil Nadu. The learned counsel reiterated that the respondents have not received the applications at Annexures A-1, A-2 and A-3, alleged to have been endorsed to the Sr. DPO, Palghat..

7 I have gone through the documents carefully. The endorsements dated 26.9.05 made by the Section Engineer, Permanent Way West, Southern Railway, Podanur show that the applications were submitted to the Controlling Officers. The respondents should have obtained the details from the forwarding authority i.e. the Section Engineer /P.Way /West, Southern Railway, Podanur or the Station Manager, Palghat Junction, Southern Railway. Without doing so, they are denying receipt of applications from the applicants. They do not have a case that the endorsement made are forged one. I find that these representations have been initialled by their controlling officers showing that they were forwarded to the Sr. DPO, Palghat on 24.7.2005. The applicants cannot be faulted for non-receipt of those representations by the Sr. DPO, Palghat and the applicants should not therefore be at a disadvantage for no fault of them. It is the responsibility of the officers in the Railways to see that the letters forwarded by them reached the addressee.

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8 In this view of the matter, I am of the view that interest of justice will be met if the Application is disposed of with direction to the respondents. Accordingly, I direct the respondents to register the request of the applicants for category change as if the applications were submitted to the controlling officers on 26.7.2005, 23.7.2005 and 11.3.2005 and forwarded to the Sr. DPO, Palghat on 26.9.05, and take a final decision for transfer of the applicants against the existing vacancies of Khalasis/helpers in the Signal and Telecommunication Workshop, Southern Railway at Podanur, in their turn, in accordance with the rules. No costs.

Dated 17<sup>th</sup> September, 2009.

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

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