

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.610/2001

Wednesday this the 25th day of July, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

N.G.Santhosh S/o late N.G.Nair,
Progressman,
Office of the Divisional Electrical Engineer,
Railway Electrification,
Trichur, residing at Pazheri House,
Post.Pulikkal,
Malappuram District.

...Applicant

(By Advocate Mr. TCG Swamy)

v.

1. Chief Engineer,
Railway Electrification,
Egmore, Chennai.8.

2. Divisional Electrical Engineer,
Railway Electrification,
Trichur.

3. Union of India, represented by
the Secretary to the Govt. of India,
Ministry of Railways,
Rail Bhavan, New Delhi.

...Respondents

(By Advocate Mr. KV Sachidanandan)

The application having been heard on 25.7.2001, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant who is working as Progressman in the Office of the Divisional Electrical Engineer, Railway Electrification, Trichur has filed this application challenging the order at Annexure.A1 by which he was transferred from Trichur to Renigunda in Andhra Pradesh. It is alleged in the application that his wife is working in Malappuram, and as per the guidelines to the extent possible the Railway Administration is obliged to post both the husband and wife in the same station or nearby stations, that the applicant's son is studying in the

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school, that therefore the transfer during the midst of the academic session is opposed to the guidelines, that the applicant's mother is aged 66 years and had an eye surgery and that the transfer of the applicant without even stating any reason is arbitrary, irrational and liable to be set aside. With these allegations the applicant has filed this application seeking to have the impugned order set aside.

2. When the application came up for hearing on 18.7.2001 learned counsel for the applicant stated that the applicant would be satisfied if he is allowed to continue in the present station for a period of two months. Today when the application came up for hearing, learned counsel appearing for the respondents stated that the transfer of the applicant became necessary as there is no work in Trichur and his services therefore is to be made available at Renigunta where his services are immediately required. Learned counsel further stated that as there is no work in Trichur his retention for two months also could not be considered. It is also stated that the transfer has been made in the public interest and no other extraneous considerations weighed with the authorities in making the transfer.

3. On a careful scrutiny of the application and on considering the facts and circumstances of the case as made out by the applicant, we do not find any reason or justification for judicial intervention in the matter. Since work is not available to retain the applicant at Trichur and his services are required at Renigunta the administration would be put to hardship if the applicant

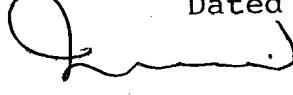
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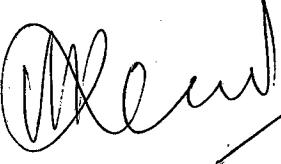
.3.

is directed to be retained at the present place of posting even for two months.

4. In the light of what is stated above, finding no merit in the application, the application is dismissed in limine. No costs.

Dated the 25th day of July, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexure referred to:

Annexure Al: True copy of Office Order
No.75/RE/2001 of 29.6.2001
issued by the Ist respondent

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