

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 617 of 1992
~~I. A. No.~~

DATE OF DECISION 29-4-1992

PK Kunjukutty Applicant (s)

M/s K Ramakumar &
VR Ramachandran Nair Advocate for the Applicant (s)

Versus

GM, S.Railway & 2 others Respondent (s)

Mrs Sumathi Dandapani Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on
this application which was admitted ^{on 28.4.92} ~~yesterday~~ and in which the
applicant has challenged his transfer by the impugned order
dated 23.4.1992 at Annexure-A, from Ernakulam to Kottayam. The
plea of the applicant is that he is a member of the Scheduled
Caste, that he had been transferred to Ernakulam only 8 months
ago and that his children ^{who} are studying in English medium School
will be facing difficulties at Ernakulam as they are ^{not} conversant
with Malayalam. The learned counsel for the respondents sought

some time at the stage of admission to ascertain further facts as to why the applicant is being prematurely transferred from his present posting. The learned counsel for the respondents after consulting the communication received by her, stated at the Bar that the applicant had been absenting ^{himself} from duty on leave for more than 50% of his total period of tenure at Ernakulam. Though as a supervisory staff, he should have taken rest only once in a fortnight, he has been taking rest once in a week. The learned counsel stated further that in the interest of administrative exigencies, the respondents had been obliged to transfer the applicant from a heavy station like Ernakulam to Kottayam. It has also been stated in the application that the applicant's children have not yet been brought over to Ernakulam and therefore, the applicant can still get his children migrated to English Medium School at Kottayam. It was also brought to our notice by the learned counsel for the respondents that the applicant is a native of a place ^{at} ₂ only 18 miles from Kottayam though the learned counsel for the applicant states that the applicant has no interest to stay ^{at} ₂ his native place.

2. Be that as it may, we are satisfied that the impugned order has been passed purely in administrative exigency and there is no element of malafides or collateral reasons for

his transfer. Accordingly, we reject the application. It is open to the applicant to make a representation to the competent authority after taking over at Kottayam in case he still feels aggrieved by his transfer posting.


(AV HARIDASAN)
JUDICIAL MEMBER


29.4.92
(SP MUKERJI)
VICE CHAIRMAN

29-4-1992

trs