

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 65/1990
~~XXXXXX~~

199

DATE OF DECISION 24-4-91

TJ Mathai Applicant (s)

M/s K Ramakumar Advocate for the Applicant (s)

Versus

Union of India rep. by the Respondent (s)
General Manager & others.

M/s MC Cherian Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, 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

Shri N Dharmadan, J.M

This application has been filed under Section 19 of the Administrative Tribunals Act of 1985 for a direction to treat the applicant's Headquarters at Trivandrum Division and to include his name in the live register for Electrical Khalasis maintained in the Trivandrum Division of the Southern Railway.

2 The applicant is a Khalasi working under the Electrical Foreman's Office, Ernakulam South under the Trivandrum Division of Southern Railway, when he filed this application. According to the applicant, he was initially engaged as a Khalasi w.e.f. 6.6.83 in Madurai Division for the construction work at Palayamkottai.

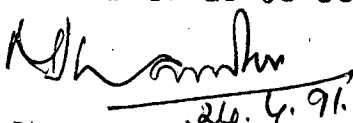
He has been temporarily transferred from Madurai Division to Ernakulam w.e.f. 6.5.84. However, again was he re-transferred to Madurai on 6.3.85. The applicant is a native of Ernakulam and has family problems for continuing in the aforesaid Station. Hence, he has filed Annexure -A representation dated 29.12.88 requesting for a permanent transfer to Trivandrum Division and to include his name in the register of Electrical Khalasis. He also submitted that his claim for transfer may be accepted by the respondents as juniormost in the new Division, Trivandrum and he averred that he is willing to forego his seniority if he is given a transfer over to the Trivandrum Division. This representation has not been disposed of so far. Hence, he has filed this application.

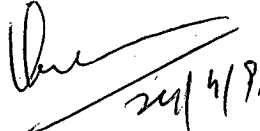
2 The respondents have filed a counter affidavit wherein they have denied the allegations but admitted that the applicant though engaged initially in Madurai Division, he has been temporarily transferred to Trivandrum Division and engaged in connection with the works available under the Division at Ernakulam. Nothing is mentioned about the disposal of the representation considering the claim of the applicant on compassionate

grounds.

3 Having heard the arguments we are of the view that the applicant's claim for transfer requires consideration by the competent authority namely, the 2nd respondent, the Chief Engineer (Construction), Southern Railway, Madras. In the above circumstances, we are of the view that justice would be met in this case if the application is disposed of with directions. Accordingly, we direct the applicant to file a fresh detailed representation stating all his grievances and claims for getting a transfer over to Trivandrum Division with bottom seniority, foregoing all the seniority and service ^{benefits} ~~already~~ earned by him. He shall file such an application within one month from the date of receipt of a copy of the judgment. If such a representation is filed by the applicant before the 2nd respondent, it shall be dealt with and disposed of in accordance with law by him within a period of two months from the date of receipt of the same.

4 The application is disposed of as above and there will be no order as to costs.


(N Dharmadan)
Judicial Member


(NV Krishnan)
Administrative Member