

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.84/2002

Wednesday this the 30th day of January, 2002

CORAM

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

M.A.Hameed Dawood,

S/o M.H.Abdul Kassim,

Pharmist Gr.II

Railway Hospital, Shoranur,

residing at No.31A Railway Quarters,

Manthope Area, Poddanur,

Coimbatore District.

...Applicant

(By Advocate Mr.T.C.G.Swamy/KM Anthru)

V.

1. Union of India represented by
the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai.3.

2. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.

3. The Chief Medical Superintendent,
Southern Railway,
Palghat Division, Palghat.

4. The Senior Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.

...Respondents

(By Advocate Mr. **Thomas Mathew Nellimoottil**)

The application having been heard on 30.1.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

This application is directed against the order
dated 22.2.2000 (A1) by which the applicant a Pharmacist
Gr.II was transferred from Poddanur to Shoranur and the

Contd...

Annexure.A2 order dated 11.4.2001 by which his representation for cancellation of the transfer was not acceded to. The brief facts which led to the impugned orders can be stated as follows:

2. On a complaint of sexual harrassment of a daughter of a Railway employee, the applicant was prosecuted. He was placed under suspension but his suspension was revoked. However, by the impugned order dated 22.2.2000 he was transferred to Shoranur with the post. The prosecution against the applicant ended in acquittal but a departmental proceedings has been initiated with the issuance of a Memorandum and the same is pending. The applicant sought cancellation of the order of transfer and posting back to Poddanur which was rejected by the impugned order Annexure.A2. It is under these circumstances the applicant has filed this application for setting aside the impugned orders and for a direction to the respondents to relieve the applicant back to Poddanur and to allow him to continue at Railway Hospital, Poddanur as if Annexure.A1 and A2 has not been issued at all.

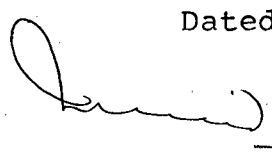
3. We have perused the application and the annexures appended thereto and have heard Shri KM Anthru, learned counsel for the applicant and Ms.Jeesha appearing on behalf of Shri T.M.Nellimootil, counsel for the respondents. From a reading of the materials placed before us, we do not find any justifiable reason to interfere in the decision taken by the competent authority not to cancel the order of transfer for sufficient reason has been there for coming to such a conclusion. Although the applicant has been acquitted of the Criminal Charges by the Court, departmental proceedings against him is pending

contd....

for a very serious charge. In the impugned order it has been stated that considerable tension and labour unrest at Poddanur occurred on account of the behaviour of the applicant and therefore it was not desirable to cancel the order of transfer. We are satisfied that the Annexure.A1 order of transfer was made to avoid labour unrest and the decision not to cancel the transfer contained in Annexure.A2 was also made considering public interest. Avoiding labour unrest in a public utility service as Railways in our view is essential in administrative interest.

4. In the light of what is stated above, we find no good reason to entertain this application. Hence the OA is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 30th day of January, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the Office order No.J/P 535/X/MES/Vol.10 dated 22.2.2000 issued by the 4th respondent.
2. A-2 : True copy of the letter No.J/P 535/X/MES/Vol.10 dated 11.4.2001 issued by the 4th respondent.
3. A-3 : True copy of the representation dated 20.11.2000 submitted by the applicant to 3rd respondent.
4. A-4 : True copy of the Judgement of the Special Judicial Magistrate No.VII of Coimbatore in C.C.No.14/2001 dt. 5-09-2001.
5. A-5 : True copy of the translation 6 Annexure A-4.
6. A-6 : True copy of the representation dt.21.9.2001 submitted by the applicant to the 2nd respondent.
7. A-7 : True copy of the representation dt.13.11.2001 submitted by the applicant to the respondent.
8. A-8 : True copy of the representation dt.3.12.2001 submitted by the applicant to the 2nd respondent.
