

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 97/99

Thursday, this the 11th day of March, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

K. Sadashivan,
S/o. Apputty,
A.C. Goods Driver,
Crew Booking Office,
Southern Railway,
Erode.

...Applicant

By Advocate M/s. Santhosh & Rajan

Vs.

1. Union of India represented by
The General Manager,
Southern Railway,
Chennai.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad.
3. Sri. A.X. John,
Goods Driver,
Crew Booking Office,
Southern Railway, Erode.

...Respondents

By Advocate Mrs. Sumathi Dandapani

The application having been heard on 11.3.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to quash A-1 to the extent it relates to him, to declare that the transfer of the 3rd respondent to Kozhikode is illegal and he is entitled to be transferred to Kozhikode in preference to his juniors in the Registration List for transfer and to direct the 2nd respondent to consider and transfer him to Kozhikode taking into account his seniority in the Registration List for transfer.

2. The applicant says that he is working as A.C. Goods Driver at Erode. He submitted an application for registering his name for transfer to Kozhikode and is Serial No. 1 in the Registration List of the Employees for transfer to Kozhikode.

The 3rd respondent is Serial No. 25 in the said List. Whenever vacancies arise, the senior person in the Registration List is transferred in preference to a junior in the Registration List. As per A-1, certain Goods Drivers who are junior to the applicant have been transferred to Kozhikode at their request.

3. The learned counsel appearing for the official respondents submitted that though the applicant is Serial No. 1 in the Registration List of Employees for transfer to Kozhikode, his juniors have been transferred to Kozhikode for the reason that the applicant is trained in A.C. Traction and his juniors transferred are trained in Diesel Traction and if the applicant is transferred to Kozhikode, there will not be any work for him and it was only due to operational reasons the applicant was not favoured with a transfer to Kozhikode and his juniors were transferred.

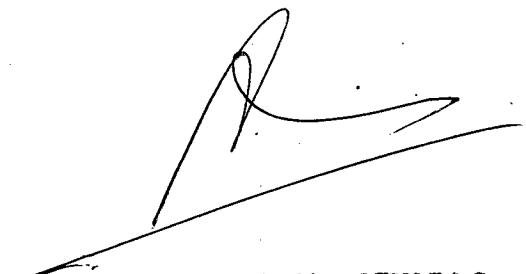
4. The learned counsel appearing for the applicant submitted across the bar that as per the Rules or instructions having the force statutory rules, a person who is senior in the Registration List is to be transferred first in preference to his junior and though the applicant is not trained in Diesel Traction, the applicant can be posted at Kozhikode and he can be ordered to work at some other station on working arrangement. There is no mention in the O.A. as to any Rule or instruction having the force of statutory rule making it incumbent on the part of the official respondents to act as submitted by the learned counsel for the applicant. What is stated in the O.A. is that whenever vacancies arise, the senior person in the Registration List is transferred in preference to a junior in the Registration List. What is the

basis for the said stand is not known. Apart from making a submission across the bar that there is Rule or instruction having the force of statutory rule, what is the Rule or instruction having the force of statutory rule is not stated.

5. It is well settled that transfer, which is an incident of service is not to be interfered by the Tribunal/Court unless shown to be clearly arbitrary or mala fide. There is no legal right to insist for being posted at a particular place. A Government employee has no choice in the matter of posting. In the absence of strong and compelling grounds, transfer order is not subject to judicial review. It is needless to say that the Wheels of Administration should run smooth. From the submission by the learned counsel for the official respondents, it is clear that the applicant was not favoured with a transfer to Kozhikode as requested by him and his juniors were transferred only due to operational reasons which the Administration cannot afford to forget or ignore. That being so, I donot find any ground to interfere.

6. Accordingly, the O.A. is dismissed. No costs.

Dated the 11th day of March, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

nv
11399

LIST OF ANNEXURE

1. Annexure A1: True copy of order No. J/P-535/V/3/Vol.XIII dated 21.1.99 of the 2nd respondent.

.....