

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 104/99

Wednesday the 27th day of January 1999.

CORAM

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

G. Pandia Rajendran
Electrical Fitter
Southern Railway
Nagarcoil Junction.

...Applicant

(By advocate: Mr P.K.Madhusoodhanan)

Versus

1. The Senior Divisional Personnel Officer
Southern Railway
Thiruvananthapuram-14.
2. The Chief Personnel Officer
Southern Railway
Park Town, Chennai.
3. Union of India represented by its
General Manager
Southern Railway, Park Town
Chennai.

...Respondents.

(By advocate Mrs Sumathi Dandapani)

The application having been heard on 27th January 1999,
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 Electrical Fitter/Train
Lighting/Highly Skilled II, Southern Railway, Nagarcoil
Junction has filed this application impugning the order
dated 7.1.99 (Annexure A-1) by which on the basis of the
option submitted by him, he has been transferred in the
same grade and scale to Electric Loco Shed, Erode in Palghat
Division. The applicant has alleged that he had submitted
an option in the year 1997, situation having changed now the
present transfer would put him into severe disadvantage and
hardship as he does not have the experience and expertise
to perform the duties of the transferred post. However, as
the transfer of the applicant was on his option which he had
not recalled, finding little scope for judicial intervention,
learned counsel of the applicant pleaded that the application

may be disposed of permitting the applicant to make a representation to the first respondent to cancel the impugned order allowing the applicant to withdraw the option and directing the first respondent to consider and dispose of the same promptly keeping the operation of the impugned order in abeyance.

2. After hearing the learned counsel of the applicant and Shri Karthikeya Panicker, additional Central Government Standing Counsel appearing for the respondents, I am of the opinion that the interest of justice demands the matter to be dealt with as pleaded by the learned counsel of the applicant.

3. In the result, the application is disposed of with the following directions:

- (a) The applicant may within a week from today make a representation to the first respondent seeking cancellation of the impugned order permitting him to withdraw the option.
- (b) The first respondent shall within two weeks from the date of receipt of the representation mentioned in clause (a) consider the same and give the applicant an appropriate reply and
- (c) The impugned order shall be kept in abeyance till the representation of the applicant is disposed of by the first respondent. No order as to costs.

Dated 27th January 1999.



(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURE

1. **Annexure A1: True copy of O.O. No.1/99/EL of the first respondent, Sr. Divisional Personnel Officer, Thiruvananthapuram dtd.7.1.99.**

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