

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 113/97

Wednesday, this the 22nd day of January, 1997

CORAM

HON'BLE MR A M SIVADAS, JUDICIAL MEMBER

M. Sreekumar,
Electrical Foreman,
Southern Railway,
Palakkad.

.. Applicant

By Advocate Mr P. Santhosh Kumar.

Vs

1. Union of India represented by
the General Manager,
Southern Railway, Madras.
2. The Chief Personnel Officer,
Southern Railway, Madras.
3. The Chief Electrical Engineer,
Southern Railway, Madras.
4. The Divisional Electrical Engineer,
Southern Railway, Palakkad.
5. R. Radhakrishnan,
Electrical Foreman,
Southern Railway,
Egmore, Madras.

.. Respondents

By Advocate Mr K V Sachidanandan.

The application having been heard on 22nd January, 97,
the Tribunal on the same day delivered the following:

O R D E R

Applicant seeks a declaration that he is entitled
for a transfer to Trivandrum Division in the category of
Electrical Foreman in preference to the 5th respondent
and a direction to respondents 2 to 4 to pass orders
transferring him as Electrical Foreman to Trivandrum
Division by virtue of his registration for transfer.

2. The applicant is working as an Electrical Foreman
in the Palghat Division of Southern Railway. The
applicant says that he has submitted a representation

for a transfer to Trivandrum and the same is pending consideration.

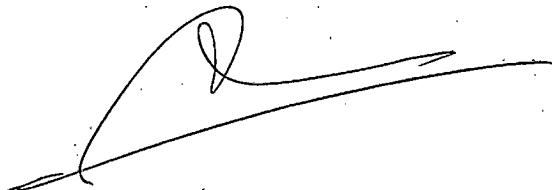
3. The grievance projected in this O.A. by the applicant is that the administration is taking steps in deviation from the rules to transfer the 5th respondent in preference to the applicant who has submitted a representation for transfer earlier in point of time. It is not the case of the applicant that any order transferring the 5th respondent to Trivandrum in preference to the applicant has been passed by the authority competent. The case of the applicant is built upon an apprehension that the administration will not act in accordance with the rules and by flouting all the norms and deviating from the proceedings will act detrimental to the interests of the applicant. There is no factual foundation for such a apprehension. A mere apprehension is not enough. If there is an apprehension, the apprehension should be a well founded apprehension. There is no whisper in the O.A. from what source or from what authority the applicant got any reason to have an apprehension much less a reasonable apprehension that the 5th respondent will be transferred to Trivandrum ignoring his claim. There cannot be a cause of action that has accrued to the applicant for invoking the jurisdiction of this Tribunal. The Tribunal is not to exercise its jurisdiction on the whimsical or fanciful apprehension of the applicant. There should be reason - justifiable reason - to invoke the jurisdiction. As there is no pleading even that the applicant has got any reliable information from an authority or source as to his apprehension and as there is no cause of action at

this point of time for the applicant to invoke the jurisdiction of the Tribunal, this OA is only to be dismissed at the very outset as far as the first prayer is concerned.

4. Accordingly, the Original Application is dismissed except to the extent of directing the respondents to consider the representation submitted by the applicant for transfer to Trivandrum and pass appropriate orders thereon in accordance with the law. There shall be no orders as to costs.

5. Learned counsel for respondents submits that he will forward a copy of the application and a copy of this order to respondents for compliance. I record the submission.

Dated the 22nd of January, 1997



A M SIVADAS
JUDICIAL MEMBER

ak/221