

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 123/2003

Thursday, this the 20th day of February, 2003.

CORAM :

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

1. C.K. Vijayan,
S/o Kunjan,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Quarter No.513 H,
Olavakkode P.O., Palghat.
2. Jipson Raj George,
S/o George,
Diesel Assistant,
Southern Railway,
Palghat Division,
residing at Arakkal House,
Moolamattom P.O.,
Idukki District.
3. V.P. Rajesh, S/o Vasudevan,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Padmavilasom,
Avanavanchery P.O., Attingal,
Thiruvananthapuram District.
4. K.K. Suresh Kumar, S/o Krishnan,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Kadalipalakkal House,
Karippalangadu P.O.,
Kulamavu(Via), Idukki District.
5. K.S. Baiju, S/o P. Kamalasanan,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Revathy, Near High School,
Cherunniyoor P.O.,
Varkala, Trivandrum District.
6. K.C. Biju, S/o Chathan,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at: C/o N.P. Sudhakaran,
Nikathuthara House,
Puthuvyppe P.O., Ernakulam.
7. Sajeevlal O. Sankar, S/o Sankaran,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Ozhakkanat House,
Valluvally, P.O. Koonammavu,
Ernakulam.

8. K.K. Suresh, S/o Kamalasanan K.D.,
Diesel Assistant,
Southern Railway, Palghat Division,
residing at Kandazhathu Kalathil,
Andikkadavu P.O.,
Puthenthode, Kochi.

... Applicants

(By Advocate Mr. T.C. Govindaswamy)

Vs

1. Union of India, rep. by the
General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai-3.
2. The Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum.
4. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O.,
Chennai-3.

Respondents

(By Mrs. Sumathi Dandapani)

The application having been heard on 20.2.2003, the Tribunal on the same day delivered the following :

ORDER

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

The applicants working as Diesel Assistants in the Palghat Division of Southern Railway are aggrieved by the refusal on the part of the respondents to consider them for transfer and appointment as Diesel Assistants in the Trivandrum Division. Therefore they have filed this application for the following reliefs :-

(a) Declare that the nonfeasance on the part of the respondents in considering the applicants for inter-Divisional transfer and appointment as Diesel Assistants in Trivandrum Division of Southern Railway is arbitrary, discriminatory and unconstitutional.

(b) Direct the respondents to consider Annexure A4 series and also to initiate further action to transfer and appoint the applicants as Diesel Assistants of Southern Railway, Trivandrum Division in preference to any form of direct recruitment.

(c) Award costs of and incidental to this application;

(d) Pass such other orders of directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. When the matter came up for hearing on admission, the learned counsel on either side agree that the application may be disposed of permitting the applicants to make a detailed and consolidated representation to the 4th respondent and directing the 4th respondent to consider and dispose of such representation within a reasonable time.

3. In the light of the above submission made by the counsel on either side, I dispose of this application permitting the applicants to make a detailed and consolidated representation to the 4th respondent seeking transfer to Trivandrum Division within a period of one month from today and directing the 4th respondent that if such a representation is received, the same shall be considered in the light of the rules and instructions on the subject and to give an appropriate reply to the applicants as early as possible at any rate within a period of one month from the date of receipt of the representation. No costs.

Dated 20th February, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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