

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.124/2001

Monday this the 12th day of February, 2001

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T.NAYAR, MEMBER (A)

C.S. Sudheer Kumar,
Station Master Gr.III,
Idapalli Railway Station and P.O.,
Ernakulam. .. Applicant

(By Advocate Shri T.C.G.Swamy)

vs.

1. Union of India represented by
The General Manager,
Southern Railway,
Madras-3.
2. Divisional Operating Manager,
Southern Railway,
Trivandrum Division,
Trivandrum-14.
3. Sri C.Balachandran,
Senior Divisional Operating Manager,
Southern Railway, Trivandrum Division,
Trivandrum.
4. The Station Master,
Idapalli Railway Station,
Ernakulam. .. Respondents

(By Advocate Smt. Sumathi Dandapani)

The Application having been heard on 12.2.2001, the Tribunal on the same day delivered the following:

ORDER

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

The applicant a Station Master Grade -III Idapalli Railway Station is under order of transfer(A-1) dated 30.1.2001 as SM-III to Aralvaymoli with immediate effect. He has assailed this order A-1 which is a Telephonic Message by which the applicant is transferred to Aralvaymoli. It is alleged in the application that the impugned order was the result of annoyance caused to the 3rd respondent as the applicant had sent a message

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on 30.1.2001 stating that the Section Controller insisted that EED Goods train should be regulated on Road No.5 ignoring SM/1/IPL message dated 30.1.2001. It is alleged that there was an unfortunate accident in which a lady sustained injuries to her leg which resulted in amputation of her leg as she was crossing the Railway track, a stationary goods train suddenly moved, that a message was given by the SM in charge about this and the public agitation over the issue, that despite this, the Section Controller insisted on the goods train be regulated and stabled at line No. 5, that the applicant finding that it would not be in the interest of safety to do so, had sent A-4 message and that it was annoyed by this letter that the impugned order has been issued by the 3rd respondent. The applicant prays that the impugned order which is punitive in nature and not issued in public interest, may be set aside.

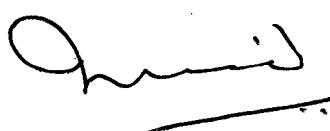
2. The respondents in the reply statement have contended that the action of the applicant has resulted in delaying train traffic, that there was such earlier instances also and that it was in the interest of the safety and efficiency of the train traffic that the applicant was transferred to Aralvaymoli where there is only a single line.

3. The applicant filed a rejoinder in which he has contested the averments made in the reply statement.

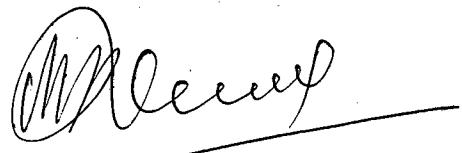
4. On a careful consideration of the entire facts and circumstances, we have no reason to believe that the impugned order of transfer was issued by the 3rd respondent out of any

animosity against the applicant. On a careful reading of the application as also the rejoinder, we do not find anything to indicate that the third respondent had any reason to have enmity towards the applicant. Just because the applicant had issued A4 message also would not cause any hatred in the mind of the third respondent. On the other hand from the reply statement it is evident that it was only in the interest of safety and efficiency of train traffic and to avoid detention of trains and inconvenience to the passengers, that the applicant who found it difficult to stable and regulate goods train in track No.5 of Idappalli station, ~~that~~ was transferred to a place where there is only one line. We find no reason to interfere in the matter.

5. In the result, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.



(T.N.T.NAYAR)
MEMBER (A)



(A.V.HARIDASAN)
VICE CHAIRMAN

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List of Annexures referred to in the order:

A-1: True copy of the telephonic message No.V/T 20/SM dated 30.1.01 issued by the 2nd respondent.

A-4: True copy of the message Given by the applicant to the second respondent.