

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 14 of 1995

Tuesday, this the 10th day of January, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. C Karunanidhi,
S/o TK Chandra Bose,
Station Superintendent,
Karor Railway Station,
Karor, residing at
No.49-B, Railway Colony,
Karur, Tiruchirappalli Dist. Applicant

By Advocate Mr. TC Govindaswamy

Vs.

1. The General Manager,
Southern Railway,
Headquarter's Office,
Park Town PO, Madras-3.
2. The Chief Operating Manager,
Southern Railway,
Headquarter's Office,
Park Town PO, Madras-3.
3. The Chief Personnel Officer,
Southern Railway,
Madras-3.
4. The Divisional Railway Manager,
Southern Railway,
Palghat Division, Palghat.
5. The Senior Divisional Operating Manager,
Divisional Office, Southern Railway,
Head Quarter's Office,
Palghat Division, Palghat.
6. The Divisional Personnel Officer,
Southern Railway,
Palghat Division, Palghat.
7. Sri Dasarathy,
Divisional Railway Manager,
Palghat Division, Palghat.
8. Sri MG James,
(Station Superintendent),
Uthangal Mangalam,
Tiruchirappalli Division,
Through the Divisional Personnel
Officer, Southern Railway,
Palghat Division, Palghat. Respondents

By Advocate Mr. TPM Ibrahim Khan, Senior Central Government
Standing Counsel and
Standing Counsel for Railways (R.1-4)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

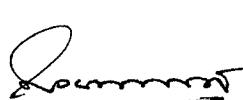
Applicant challenges an order of transfer evidenced by A-1. According to him, he was absent when the Divisional Railway Manager arrived at the station. He submitted that he had been attending to relief operations for long hours and that out of fatigue he had gone away from the station when the Divisional Railway Manager arrived. On this score the order of transfer has been issued, states applicant.

2. We have no doubt that applicant owes a duty to himself and to his superior to extend the courtesies due to the superior officer, namely the Divisional Railway Manager. If he failed in doing this, it could invite disciplinary proceedings. At the same time, if there is a lapse caused due to reasons beyond his control, we would have expected applicant to apologise before his superior officer and seek his indulgence.

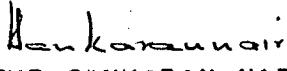
3. It is settled law that transfer is an incidence of service. At once transfer disguised as punishment is liable to be interdicted. However, we do not wish to hazard guesses. Applicant must seek his redress at the hands of the Divisional Railway Manager or at the hands of other superior officers. He is free to do one or the other. The impugned order will be held in abeyance for two weeks from today to enable the competent authority to take a decision in the matter. Applicant will resort to such course as he considers appropriate within 24 hours from now, and a decision will be taken by respondents in the matter within ten days of today.

4. Application is disposed of as aforesaid. No costs.

Dated the 10th January, 1995



SP BISWAS
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexures

Annexure AI : A true copy of the order No.J/P 535/VIII/5/23
dated 5-12-94 issued by 6th respondent.