

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.146/08

Monday this the 17th day of March 2008

C O R A M :

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

Bobby Joseph,
S/o.K.X.Kurien,
Clerk, Office of the Assistant Executive Engineer,
Railway Electrification, Ernakulam South.
Residing at Kattookkaran House,
Kingship View, Ollur P.O., Trichur District.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.

2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.

3. The Chief Project Manager,
Railway Electrification, Egmore, Chennai – 8.

4. The Senior Personnel Officer,
Railway Electrification, Egmore, Chennai – 8.

5. The Divisional Personnel Officer,
Southern Railway, Salem Division, Salem.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 17th March 2008 the Tribunal
on the same day delivered the following :-

ORDER

HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN

The applicant is presently working as a Clerk attached to the office of
the Assistant Executive Engineer, Railway Electrification, Ernakulam
South. He has been transferred over to Salem Division, of course, based

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on an option submitted by him. However, there cannot be any dispute on the factual position that immediately after the submission of the option, a letter had been presented whereby the option given had been withdrawn for personal reasons. As of now the applicant will be bound to report for duty in pursuance of the present order. Shri.T.C.Govindaswamy submits that transfer, notwithstanding, the submission of the option given, would result in great prejudice to the applicant.

2. When the matter was listed for admission, notice was given to the Standing Counsel for the Railways. Shri.Thomas Mathew Nellimoottil appeared for the respondents submits that the option given, would bind the applicant. But it is evident that the representation submitted, was always known to the respondents (see Annexure A-4). To transfer an unwilling employee to a new division, especially in the circumstances highlighted in the application, will not be conducive to the best interest of the employer. It may not be possible for the respondents to extract full attention and devotion from such an employee. The desire shown for transfer was only short lived. Respondents are not to be found fault with in the developments, but Standing Counsel for respondents submits that the matter will be looked into in all aspects, if a fresh representation is given after the applicant joining duty in the transferred post.

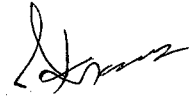
3. But I feel that a transfer and attendant expenditure it may entail need not be there as of now. Therefore, the application is closed with direction to the respondents to examine the representation the applicant has offered to make. If no such application comes within two weeks from today, the respondents will be entitled to proceed on the basis of the present order.

If, as a matter of fact, representation is submitted it is to be looked into on

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its merit and also on the basis of the revocation of the option. Orders are to be passed, as far as possible, within a period of two months from the date of receipt of the representation. The applicant shall also enclose a copy of this order along with the representation for ready reference. Till such time further orders are passed on the representation, the applicant will be entitled to continue at his present station. O.A will stand disposed as above.

(Dated this the 17th day of March 2008)



M.RAMACHANDRAN
VICE CHAIRMAN

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