

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 15 of 2003

Wednesday, this the 8th day of January, 2003

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Bhaskaran Tharamel,
S/o Theyyan Tharamel,
Chief Commercial Clerk Grade I (Parcel),
Southern Railway, Trichur,
residing at Kalyani Nivas,
behind Telephone Exchange, Muzhappilangad,
Kannur.Applicant

[By Advocate Mr. P. Ramakrishnan]

Versus

1. Union of India, represented by
General Manager, Southern Railway,
Head Quarters Office, Chennai.
2. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum.
3. P. Narayanan,
Chief Parcel Superintendent,
Southern Railway, Trichur.Respondents

[By Advocate Mr. Thomas Mathew Nellimootttil]

The application having been heard on 8-1-2003, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Chief Commercial Clerk Grade-I, while working at Alwaye had requested for a transfer to Trichur in the year 1979. By Annexure A1 order the applicant was transferred to Trichur on a temporary post of Deputy Station Manager in the same scale and pay. That posting order was modified by Annexure A2 order dated 11-11-2002 posting the applicant on the post of Chief Commercial Clerk (Parcel) directing him to be In-charge of the post of Deputy Station Manager (Commercial). The present grievance of the applicant

is that very shortly thereafter by the impugned order Annexure A3 the applicant was shifted to the post of Deputy Station Manager posting one A.K.Pramod in his place and by the impugned order Annexure A4, Annexure A3 order was modified posting the 3rd respondent as Chief Commercial Clerk (Parcel) and retaining A.K.Pramod as Chief Commercial Clerk (Booking). The posting of the 3rd respondent as Chief Commercial Clerk (Parcel) replacing the applicant from that post which is a permanent one, according to the applicant, has been made for extraneous considerations at the instance of the 3rd respondent and is not justified because going by the seniority in the matter of request transfer the applicant should have retained on a permanent post and not shifted to a temporary post. With these allegations, the applicant has filed this Original Application seeking to set aside the impugned orders Annexure A3 and Annexure A4 to the extent it apply to him, holding that the applicant is entitled to hold the post of Chief Commercial Clerk (Parcel), Trichur.

2. We have gone through the Original Application and all the annexures appended thereto and have heard Shri P.Ramakrishnan, learned counsel of the applicant and Shri Thomas Mathew Nellimoottil, learned counsel of the respondents.

3. We do not find any legitimate grievance of the applicant which calls for redressal in this Original Application. Transfer and deployment of officers in different posts in modification of orders issued earlier are all routine administrative matters within the province and domain of the competent authority, in this case the 2nd respondent. Unless it is proved that the action is colourable or is mala fide, judicial intervention is not justified. In this Original Application, apart from an averment by the applicant that the

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impugned order was issued at the instance of the 3rd respondent and for extraneous considerations without impleading the incumbent in the office of the 2nd respondent and alleging specific malafides, a bald averment that the order was for extraneous considerations cannot be taken serious note of by the Tribunal. The applicant has no vested right to be posted in any particular permanent post or a temporary post. His request for transfer to Trichur has been acceded to and he has been posted there. Instead of working as Chief Commercial Clerk (Parcel), he would have to work as Deputy Station Manager in the same scale and pay and in the same station which does not cause him any hardship or detriment, nor does it affect adversely any of his service rights. We, therefore, do not find any legitimate grievance of the applicant which calls for adjudication.

4. In the light of what is stated above, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Wednesday, this the 8th day of January, 2003



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of Office Order NO.28/2002/CC dated 9.9.2002 issued by the 2nd respondent.
2. A-2: True copy of the Office Order No.37/2002/CC dated 11.11.2002 issued by the 2nd respondent.
3. A-3: True copy of the Office Order No.42/2002/CC dated 26.12.2002 issued by the 2nd respondent.
4. A-4: True copy of Office Order No.43/2002/CC dated 31.12.2002 issued by the 2nd respondent.

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