

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.162/06

Wednesday this the 15th day of March 2006

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER**

Babu Choorakuzhy,
S/o.Daniel,
Chief Office Superintendent,
Office of the Senior Section Engineer, (C&W),
Southern Railway, Ernakulam Junction.
Residing at House No.88/B,
Kaniampuzha Road, Eroor P.O., Ernakulam.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by General Manager,
Southern Railway, Headquarters Office,
Park Town Post, Chennai – 03.
2. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town Post, Chennai – 03.
3. The Chief Workshop Engineer,
Southern Railway, Headquarters Office,
Park Town Post, Chennai – 03.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
5. The Senior Divisional Mechanical Engineer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.

...Respondents

(By Advocate Mrs.Sumathi Dandapani)

This application having been heard on 15th March 2006 the Tribunal on the same day delivered the following :

.2.

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant is presently working as Chief Office Superintendent. He was promoted to the said post by Annexure A-4 order dated 18.11.2004 and temporarily retained in the same Division for a period of six months. The applicant made representation for continuance in the same post on the ground that his wife is working at Ernakulam. His case was sympathetically considered vide Annexure A-9 (a) order till 8.7.2005. On 30.9.2005 Annexure A-11 notice was issued stating that if the applicant does not join at Palghat Division he would be debarred for promotion for a period of one year. Subsequently debarment orders were issued vide Annexure A-1 and Annexure A-2. The applicant made Annexure A-12 representation against the debarment orders on medical grounds and on the ground of employment of his wife and further requesting for retention at Ernakulam as also indicating his willingness to go on transfer to Palghat Division. His representation was forwarded to the Senior Divisional Personnel Officer by Annexure A-14 which is still pending consideration.

2. When the matter came up for hearing, it is submitted that the applicant has not been relieved as no substitute was posted in his place and that he is still continuing as Chief Office Superintendent in the scale of Rs.7450-11500/-. Counsel for the respondents submitted that she has no instructions but expressed the doubt as to whether the applicant was continuing in the promoted post. However, we are of the view that since the applicant has now actually joined the promoted post as per the original

.3.

order of promotion at Annexure A-4 and had been representing for retention on medical grounds and on the ground of employment of wife and has also now expressed his willingness to transfer to Palghat Division the respondents shall consider the Annexure A-12 representation of the applicant in accordance with rules.

3. Accordingly, in the interest of justice, we direct the 2nd respondent to consider the representation at Annexure A-12 in the light of the averments in this O.A and duly in accordance with the rules and communicate a decision to the applicant within a period of one month from the date of receipt of a copy of this order. Copy of the O.A shall also be forwarded to the 2nd respondent. We also direct that till such time the representation is disposed of, Annexure A-1 and Annexure A-2 shall be kept in abeyance if they have not ^{been} already brought into force.

(Dated the 15th day of March 2006)


GEORGE PARACKEN
JUDICIAL MEMBER


SATHI NAIR
VICE CHAIRMAN

asp