

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 16/89
ERNAKULAM.

189

DATE OF DECISION 25-7-90

K.G. Yohannan Applicant (x)

Shri K. Ramakumar Advocate for the Applicant (x)

Versus

Union of India rep. by Respondent (s)
Genl. Manager, S.Rly, Madras &
4 others.

Smt. Sumathi Dandapani Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Shri N.V. Krishnan, Administrative Member

This is a much contested case pending since January, 1989, relating to the transfer of the applicant by the impugned Annexure-A order from Trivandrum to Mysore Division and his relief by the impugned order B. It is stated in the impugned order that to facilitate this transfer, the post of Electrical Foreman has been temporarily downgraded and operated as ELC/A Grade, ie., the grade to which the applicant belongs.

2. Considering the averments made in the application we directed by an interim order on 12.1.1989 that even if the applicant had been relieved the transfer should not be carried out. The applicant is continuing in his original post since then.

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3. This matter has been pending since then. We have been of the view that if a post had to be filled up temporarily pending the selection of a suitable regular person to man the post in its proper scale, a substitute arrangement could have been made locally. That is the case with the post at Mysore.

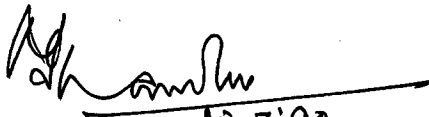
4. Today, when the case came up for hearing, the learned counsel for the respondents submitted on the basis of the instructions received by her that the selection for the post of Electrical Foreman is being held and would be completed soon. (It was indicated that it was likely to be completed in June, 1990). It is also stated that a number of officials holding the same rank of the applicant i.e., ELC/A who are working outside Trivandrum Division have ^{also} applied to the Respondents to transfer them to the Trivandrum Division as they have remained for a sufficiently long time outside their home district.

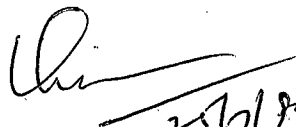
5. After hearing the submissions of the counsel we are of the view that in the circumstances of this case it would be proper to quash the impugned orders Annexure-A transferring the applicant to the post of Electrical Foreman, Mysore because regularly selected personnel will be available by now or very soon to fill up this post. The original reason necessitating this transfer is thus disappearing. Hence, we quash Annexure A and Annexure B orders.

6. As far as the applicant is concerned, he is now aware that, at least 5 persons working outside Trivandrum

Division have applied for a transfer to the Trivandrum Division. If he is interested in sticking on to Trivnadrum Division, he should make a proper representation to the Chief Personnel Officer, Southern Railway (R-2) with copy to R-4, the Divisional Personnel Officer, Trivandrum, stating his grounds as to why he should not be transferred out of Trivandrum Division. This representation shall be made within 15 days from today. It is also made clear to the respondents that this representation should not be rejected on the only ground that it has been ^{made} much later than the applications of others who have made a request for a transfer to Trivandrum Division. The respondents may take such decision as they consider appropriate in regard to these representations.

7. With these directions, this application is disposed of and there will be no order as to costs.


25-7-90
(N. Dharmadan)
Judicial Member


25/7/90
(N.V. Krishnan)
Administrative Member

25.7.1990.