

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 166 OF 2007

Friday this the 20th day of July, 2007.

CORAM :

HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER

Milap Kumar Rai,
S/o Lachhiram,
Assistant Loco Pilot,
Southern Railway,
Kollam. : **Applicant**

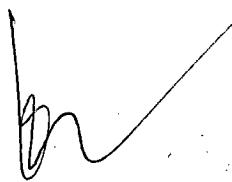
(By Advocate Mr. Martin G Thottan)

Versus

1. Union of India represented by
Secretary to Government of India,
Ministry of Railways,
Rail Bhavan, New Delhi.
2. The General Manager,
Southern Railway,
Headquarters Office,
Park Town, Chennai-3.
3. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town, Chennai-3.
4. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division. : **Respondents**

(By Advocate Mr. Thomas Mathew Nellimoottil)

The application having been heard on 20.07.2007, the Tribunal
on the same day delivered the following :



ORDER**HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER**

The applicant, Shri Milap Kumar Rai, functioning as Assistant Loco Pilot in the Trivandrum Division of Southern Railway has applied for Inter-Railway request transfer qua Shri Vimal Raj, Assistant Loco Pilot of Nagpur Division of Central Railway. This application was made some time in 2005 and as there is no response, the applicant ~~has~~ filed this O.A praying for a declaration that he is entitled to inter Railway transfer and for a direction to the respondents to act on his application.

2. Respondents have contested the O.A mainly stating that the applicant herein belongs to Scheduled Caste while the said Vimal Raj is a General candidate and as such by virtue of a judgment dated 7.6.2005 in O.P.No.2159/2002 (A-3), such a mutual transfer between a general candidate and a Scheduled Caste/Scheduled Tribe has not been appreciated by the High Court which has stated that the orders on the subject may not be legal or proper unless they are suitably modified so that no prejudice is caused to anyone. In yet another case of G.Arun (O.A.No.612/2005), this Tribunal vide order dated 2.8.2006 has given a direction to the respondents that since the matter has already been referred to the Railway Board, a decision shall be taken on the policy aspect as expeditiously as possible and in any case not later than three months, and the application of the applicant in the said O.A shall be dealt with in the light of the policy decision to be taken by the Railway Board. It is stated that the respondents in that O.A have sought for some more time as the matter has been referred by the Railway Board to the Department of Personnel and three months time has since been granted.

3. The case of the applicant in this O.A being identical to that of G.Arun, this case has also to wait for the policy decision to be taken by the Railway Board in consultation with DOPT. As such this O.A is disposed of with a direction to the respondents, especially, the General Manager, Southern Railway, who shall consider the case of the applicant herein along with that of Shri G.Arun and another in O.A.612/2005 and decide the inter-Railway transfer application as soon as the policy decision is arrived at.
4. The Tribunal places on record its appreciation over the valuable assistance rendered by Shri TC Govindaswamy, Advocate who happened to be present in the Court.
5. No costs.

Dated, the 20th July, 2007.



K.B.S. RAJAN
JUDICIAL MEMBER

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