

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 167/2002

Tuesday, this the 9th day of July, 2002.

CORAM :

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

1. P. Muthukumar, S/o C.K. Pandian,
Diesel Assistant,
Southern Railway, Erode,
Residing at K.P.K. Mansion,
Mettur Road, Erode.
2. S. Velijothi Manikandan,
S/o Somasundara Mahalingam,
Diesel Assistant, Southern Railway,
Erode, residing at K.P.K. Mansion,
Mettur Road, Erode. Applicants

(By Advocate Mr. T.C. Govindaswamy)

Vs

1. Union of India rep. by
The General Manager,
Southern Railway,
Headquarters Office, Park Town P.O.,
Madras-3.
2. The Divisional Railway Manager,
Southern Railway,
Palghat Division,
Palghat.
3. The Divisional Personnel Officer,
Southern Railway,
Palghat Division,
Palghat.
4. The Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai.
5. The Chief Personnel Officer,
Southern Railway,
Park Town P.O.,
Chennai.
6. Anand Kumar,
Trainee Diesel Assistant,
Southern Railway, through the
Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai.

...2/-

7. Suresh Kumar,
Trainee Diesel Assistant,
Southern Railway, through the
Divisional Personnel Officer,
Southern Railway,
Madurai Division,
Madurai.

... Respondents

(By Mrs. Sumathi Dandapani)

The application having been heard on 9.7.2002, the Tribunal on the same day delivered the following :

ORDER

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

The applicants who were working as Diesel Assistants in the Palghat Division of the Southern Railway have filed this application jointly aggrieved by the fact that their request for transfer to Madurai Division has not been considered on par with respondents 6 and 7. They filed this application seeking the following reliefs :-

(a) Declare that the non-feasance on the part of the respondents in considering the applicants for inter-divisional transfer, and appointment in Madurai Division of Southern Railway is arbitrary, discriminatory, and unconstitutional.

(b) Direct the 2nd respondent to consider Annexure A8 and A9 and also to initiate necessary further action to transfer and appoint the applicants as Diesel Assistants of Southern Railway, Madurai Division, in preference to respondents 6 and 7.

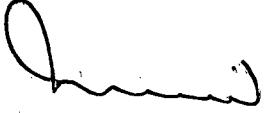
(c) Pass such other orders or direction as deemed just, fit and necessary in the facts and circumstances of the case.

2. When the matter ~~came~~ up for hearing today, the learned counsel for the respondents produced for our perusal a copy of the Office Order No.28/VI/MT/2002 of the DRM, Madurai by which the applicants have been transferred to Madurai Division. Noting the above, the learned counsel for the applicants states that the

remaining reliefs are not pressed and the application may be disposed of taking into account the fact that the applicants have been transferred to Madurai Division.

3. In the light of what is stated above, the application is closed without any further direction. No costs.

Dated the 9th July, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicants' Annexures:

1. A-1 : A true copy of the order of the office order No.75/VI/MT/99 of 20.9.99 issued by the Divisional Personnel Officer Southern Railway, Madurai Division.
2. A-2 : A true copy of the order bearing No.ZTC:142/GRS/DSL. Asst./AC Asst. dated 20.11.99, issued by the Principal, Zonal Training Centre, Tiruchirappalli.
3. A-3 : A true copy of the office order No.T.56/2000 dated 29.5.2000, issued from the 5th respondent.
4. A-4 : A true copy of the order No.40/VI/MT/2000 dated 26.6.2000 issued by the 4th respondent.
5. A-5 : A true copy of the joint representation submitted by the applicants dated 19.4.2001 addressed to the 5th respondent.
6. A-6 : A true copy of the order No.59/VI/MT/2001, dated 27.7.01 issued by the 4th respondent.
7. A-7 : A true copy of the order No.88/VI/MT/2001, dated 20.11.01 issued by the 4th respondent.
8. A-8 : A true copy of the representation dated 15.12.2001 submitted by the 1st applicant to the 2nd respondent.
9. A-9 : A true copy of the representation dated 15.12.01 submitted by the 2nd applicant to the 2nd respondent.

opp
17.7.02