

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.170/2002

Thursday this the 14th day of March, 2002

CORAM

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

K.O.Cherian,
working as Sanitary Cleaner,
S/o Ouseph, Health Unit,
Southern Railway,
now residing at No.84-L
Railway Quarters,Trissur.

..Applicant

(By Advocate Mr. T.Rajesh)

v.

1. Union of India, represented by
the General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai.3.
2. The Divisional Railway Manager,
Southern Railway,
Thiruvananthapuram Divn.
Thiruvananthapuram.14.
3. The Chief Medical Superintendent,
Southern Railway,
Thiruvananthapuram Division,
Pettah, Thiruvananthapuram.
4. The Senior Divisonal Personnel Office,r,
Southern Railway,
Thiruvananthapuram division,
Thiruvananthapuram.
5. The Southern Railway Mazdoor Union,
Thiruvananthapuram Division,
through its Secretary.
6. O.R.Prakasan,
Sanitary Cleaner,
Southern Railway,
Thiruvananthapuram Central
Station, Thiruvananthapuram.

..Respondents

(By Advocate Mr.P.Haridas (represented).
The application having been heard on 14.3.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Sanitary Cleaner, posted in
Trichur on medical decategorisation while he was working as
Gangman was by order dated 20.4.2001 transferred to Quilon

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on administrative grounds. Aggrieved by the transfer, the applicant approached this Tribunal filing OA 417/2001 alleging that he was transferred at the instance of a Trade Union. When that application came up for hearing, as agreed to by the counsel on either side, the same was disposed of permitting the applicant to make a representation to the second respondent through proper channel and directing the second respondent that if such a representation is received the same should be considered and an appropriate reply given to the applicant. Pursuant to the above order the applicant submitted Annexure.A4 representation to the second respondent alleging that his transfer was not required in public interest, that he had only one penalty for drunkenness, that the averment that he assaulted another employee was not true and that in any case he should not be punished with a transfer without holding an enquiry. He has also requested that the transfer may be cancelled.

2. The second respondent Divisional Railway Manager has considered the representation after calling for the files which led to the transfer and examination thereof passed the impugned order rejecting the request for recall of his transfer on the ground that the public interest required his transfer to wean him away from the local influence and for the smooth functioning of that office.

3. Challenging this order, the applicant has filed this application. On a careful reading of the impugned order and the application, we find no reason to interfere with the impugned order. The argument of the learned counsel that the order of transfer is punitive is not correct. To transfer an employee from a place for smooth functioning and discipline can be considered only in public interest. A reading of the impugned order clearly shows

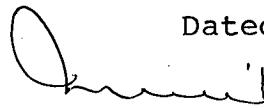
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.3.

that action has been taken by the 4th respondent to transfer the applicant only in public interest and the second respondent has rightly refrained from interfering with the order. No allegation of malafides has been made against the second respondent or even against the fourth respondent.

4. In view of the fact that the second respondent has given very cogent reasons for the decision taken, we find no reason to admit this application. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 14th day of March, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-I : True copy of the order No.V/P O.A 417/2001/25 dated 8.8.2001 issued by the 2nd respondent.
2. A-II : True copy of the office Order O.O.No.8/2001/MD of 2001 issued by the 4th respondent dated 20.4.2001.
3. A-III : True copy of the order O.A 417 of 2001 dated 15.5.2001 of the Central Administrative Tribunal.
4. A-IV : True copy of the representation submitted before the 2nd respondent dated 15.5.2001 by the applicant.

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20.3.2002