

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.171/2001

Wednesday this the 4th day of April, 2001

CORAM

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

A. Raman, S/o S.Arumainayagam,
Telecommunication Mechanic/I/Control
Southern Railway, Trivandrum,
residing at C/o Y.Samraj,
Pandarapuram, Viswasapuram,
Thovalai PO,
Kanyakumari District.

...Applicant

(By Advocate Mr. T.C.Govindaswamy)

V.

1. Union of India, represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.
 2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town PO, Madras.3.
 3. The Divisional Signal and Telecommunication
Engineer, Southern Railway,
Trivandrum Division,
Trivandrum.14.
 4. K.Muralikrishna,
Junior Engineer (Telecommunications/GrII)
Southern Railway, Mysore Division,
Mysore.
- ...Respondents

(By Advocate Mr.Thomas Mathew Nellimootil (for Rlto3)

The application having been heard on 4.4.2001, the
Tribunal on the same day delivered the following:

O R D E R


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

The applicant, Telecommunication Mechanic
Gr.I/Control, Southern Railway, Trivandrum was by order
dated 3.10.2000 (A2) promoted as Junior Engineer and
transferred to Mysore Division. The applicant is a
person belonging to Scheduled Caste Community.

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Explaining his family problems in giving effect to the transfer on promotion, the applicant made a representation to the second respondent on 3.10.2000 requesting that he may be posted at Trivandrum itself. He made a further representation on 16.10.2000 (A4) that till a decision on his representation A3 is taken, he may be allowed to continue in the lower post. Pursuant to that representation, the applicant was by order dated 14.11.2000 (A6) allowed to continue in the lower post for three months. In the meanwhile a Memorandum was issued by the Southern Railway headquarters decentralising the cadre of Junior Engineers and making it a Divisional Cadre. The applicant was transferred to Mysore by the impugned order A2 and in his place one Shri Muralikrishna was transferred at his request to Trivandrum. Requesting that his transfer to Mysore may be cancelled and he be accommodated in a post of Junior Engineer in Trivandrum itself taking into account the Memorandum regarding decentralisation of the post, the applicant submitted a representation on 10.1.01 (A7) to the second respondent which is yet to be considered and disposed of. Apprehending that the applicant would be relieved before the second respondent would take a decision on the applicant's representation Annexure.A7, the applicant has filed this application seeking to have the impugned order set aside to the extent it affects him declaring that the applicant is eligible to be considered for appointment as Junior Engineer, Telecommunications Gr.II in the existing vacancy at Trivandrum and direct the respondents accordingly.

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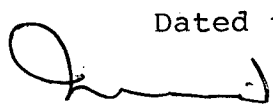


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2. The respondents have filed a detailed reply statement. When the application came up for hearing, learned counsel on either side agree that the application may be disposed of directing the second respondent to consider the representation submitted by the applicant (Annexure.A7) keeping in view the subsequent event including the issue of Annexure.A5 memorandum and to give the applicant an appropriate reply keeping the relief of the applicant in abeyance till the representation is disposed of.

3. In the result, in the light of the submission of the counsel on either side, the application is disposed of directing the second respondent to consider the request of the applicant made in Annexure.A7 for his posting as Junior Engineer in Trivandrum taking into account the relevant factors including the issue of Annexure A5 Memorandum by the Southern Railway on 3.11.2000 and to give the applicant an appropriate reply as expeditiously as possible. We also direct that till a reply on his representation (A7) is served on the applicant, the applicant shall not be relieved from the post which he is presently holding. There is no order as to costs.

Dated the 4th day of April, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

List of annexures referred to:

Annexure.A2: True copy of the office order No.SG 99/2000 dated 3.10.2000 issued from the office of the second respondent.

Annexure.A4: True copy of the representation submitted by the applicant to the 2nd respondent dated 16.10.2000.

Annexure.A5: True copy of the letter No.V/P.535/IX/TCI/Vil.3 circulated by the Senior DPO, Southern Railway, Trivandrum dated 3.11.2000.

Annexure.A6: True copy of the letter No.P(S)/535/IX/Tele/Pt dated 14.11.2000 issued from the office of the second respondent-

Annexure.A7: True copy of the representation submitted by the applicant to second respondent dated 10.1.2001.

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