

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 175/97

THURSDAY, THIS THE 30TH DAY OF JANUARY, 1997.

C O R A M:

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

M. Sreekumar  
Section Engineer (Electrical)  
Southern Railway, Palakkad.

..Applicant

By Advocate Mr. P. Santhoshkumar

Vs.

1. Union of India represented by  
the General Manager,  
Southern Railway, Madras.
2. The Chief Electrical Engineer,  
Southern Railway, Madras.
3. The Divisional Electrical Engineer,  
Southern Railway, Palakkad.
4. The Senior Personnel Officer (Mechanical & Electrical)  
Southern Railway, Madras.
5. R. Radhakrishnan  
Section Engineer (Electrical)  
Southern Railway, Egmore,  
Madras.

..Respondents

By Mr. K.V. Sachidanandan

The application having been heard on 30.1.97, the  
Tribunal on the same day delivered the following:

O R D E R

A. V. HARIDASAN, VICE CHAIRMAN

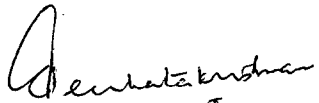
The challenge in this application is against the order of the fourth respondent by which the fifth respondent has been posted at Trivandrum against a post transferred from Madras. The applicant claims that going by the seniority of registration for transfer to Trivandrum Division, he is very much senior to the fifth respondent and therefore, the action of the respondents 1 to 4 in transferring the fifth respondent to Trivandrum overlooking his seniority of registration is unjust and against the rules and instructions. It has also been


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stated that the applicant had filed O.A.113/97 praying for a declaration that he is entitled to be transferred to Trivandrum and that the application was disposed of by the order dated 22.1.97 noting the submission made by the learned counsel for the respondents that a copy of the application would be forwarded to the respondents for considering the case of the applicant.

2. We have heard Shri P.Santhosh Kumar, counsel for the applicant and Shri K.V.Sachidanandan, counsel for respondents and we have gone through the materials on record. The 5th respondent who was promoted and posted to Madras in the midst of his course of study for B.Tech made a representation to the competent authority to give him a posting to Trivandrum so that he could complete the course. Though there was no post vacant at Trivandrum, taking into account the fact that to enable the 5th respondent to complete the course, would not only be beneficial to him but also to the administration, the competent authority transferred the post on which the 5th respondent was working and transferred him to Trivandrum on a temporary basis till 31.12.97. By this order no prejudice is caused to the applicant. His chances for transfer to Trivandrum is also <sup>in</sup> no way affected. Therefore there is no legitimate grievance to the applicant. The application is therefore dismissed. No costs.

Dated the 30th January, 1997.

  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN