

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.176/2000

Tuesday, this the 22nd day of February, 2000.

CORAM:

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

HON'BLE MR J.L.NEGI, ADMINISTRATIVE MEMBER

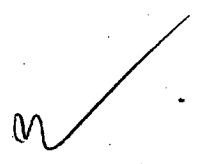
1. E.K.Girija,
Senior Clerk,
Personnel Branch, Southern Railway,
Palakkad.
2. N.V.Girija,
Head Clerk,
Personnel Branch, Southern Railway,
Palakkad.
3. K.S.Srikumar,
Clerk,
Personnel Branch, Southern Railway,
Palakkad. - Applicants

By Advocate Mr M.R.Rajendran Nair

Vs

1. The Divisional Railway Manager,
Southern Railway,
Palakkad.
2. The Senior Divisional Personnel Manager,
Southern Railway,
Palakkad.
3. The Chief Personnel officer,
Southern Railway,
Madras.
4. Union of India represented by the
Secretary to Government of India,
Ministry of Railways,
New Delhi.
5. Christi Jayanthi,
Office Superintendent II(ad hoc),
Personnel Branch, Southern Railway,
Palakkad.

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6. E. Edward Felix,
Head Clerk,
Mechanical Branch,
Integral Coach Factory,
Perambur, Chennai.

- Respondents.

By Advocate Mrs Sumathi Dandapani (for R.1 to 4)

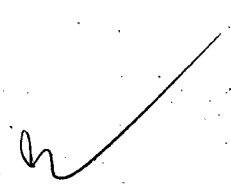
The application having been heard on 22.2.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants 1 and 2 are Senior Clerks and the 3rd applicant is a Clerk in the Office of the Chief Personnel Officer, Palghat. Their grievance is that the 5th respondent who is an Office Superintendent (ad hoc) in the Personnel Branch of the Southern Railway, Palghat, has applied for mutual transfer with 6th respondent who is a Head Clerk in the Mechanical Branch of the Integral Coach Factory, Perambur, Chennai and that if the transfer materialises that would jeopardise their chances of promotion as Office Superintendent Grade II. The post of Senior Clerk ¹³ being the feeder category to the post of Office Superintendent Gr.II. As the 5th respondent being a member of Scheduled Tribe is occupying the post if that position is occupied by the 6th respondent, a general candidate the applicants apprehend that their chances for promotion would be jeopardised. Therefore, the applicants have jointly filed this application for a declaration that the grant of mutual transfer to an employee in reserved category with an employee in an unreserved category so as to affect the post based Roster Points resulting in delay/denial of promotion to the officials of unreserved category in their due turn is

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unreasonable, unjust, arbitrary and illegal and to direct the respondents 1 to 4 not to approve mutual transfer of respondents 5 and 6 so as to affect the chances of promotion of the applicants.

2. The learned counsel for respondents 1 to 4 has under instructions from the respondents stated that there is a request for mutual transfer between 5th and 6th respondents, that no order has so far been issued and that according to the rules and instructions there is no embargo in allowing the mutual transfer between the persons belonging to reserved category and unreserved category.

3. After hearing the learned counsel on either side, we are of the considered view that the applicants have not so far acquired any cause of action. If any order is passed which would infringe any of the rights of the applicants they would be at liberty to seek appropriate reliefs. With the above observation we reject this application. No costs.

Dated, the 22nd of February, 2000.


J.L.NEGI
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN

trs