

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

...

O.A. 179/95

Friday, this the 17th day of February, 1995

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S. P. BISWAS, ADMINISTRATIVE MEMBER

1. P. Kannadasan aged 35 years,
S/o Perumal, Gangman, C/o Chief
Permanent Way Inspector, Southern Railway
Quilandy, residing at Railway Quarters
Quilandy.
2. Venkattaraman aged 34 years,
S/o Rangaswamy, Gangman, C/o Chief
Permanent Way Inspector, Southern Railway
Quilandy, residing at Railway Quarters,
Quilandy.
3. P. Palanisamy, aged 37 years, S/o Gangman, S/o
Palaniappan, C/o Chief Permanent
Way Inspector, Southern Railway Quilandy,
residing at Railway Quarters, Quilandy.
4. M. Natarajan, aged 34 years, S/o Munusamy, Gangman,
C/o Chief Permanent Way Inspector,
Southern Railway, Quilandy, residing at
Railway Quarters, Quilandy.
5. G. Maheswaran, aged 33 years, S/o Govindasamy,
C/o Chief Permanent Way Inspector,
Southern Railway, Quilandy, residing at
Railway Quarters, Quilandy. (Gangman).
6. M. Ganesan, aged 33 years, S/o
Marathakandar, C/o Chief Permanent Way Inspector,
Southern Railway, Quilandy, residing at
Railway Quarters, Quilandy. (Gangman)
7. K. Jaganathan, aged 33 years, S/o Kandasamy,
C/o Chief Permanent Way Inspector, Southern
Railway, Quilandy, residing at Railway Quarters,
Quilandy. (Gangman)
8. N. Selvaraj, aged 37 years, S/o Naina Naidu
C/o Chief Permanent Way Inspector, Southern
Railway, Quilandy, residing at Railway
Quarters, Quilandy. (Gangman)
9. Raja, aged 34 years, S/o Ramasamy, C/o
Chief Permanent Way Inspector, Southern
Railway Quilandy, residing at Railway Quarters,
Quilandy (Gangman).

10. Poornavadivelu, aged 53 years, Gangman, S/o Kolandaiappan, C/o Chief Permanent Way Inspector, Southern Railway, Quilandy residing at Railway Quarters, Quilandy.
11. Chelladurai, aged 33 years, S/o Karalan Gangman, C/o Chief Permanent Way Inspector, Southern Railway, Kannur, residing at Railway Quarters, Kannur.
12. V. Sakthivelu, aged 30 years, S/o Venkitachalam, Gangman, C/o The Chief Permanent Way Inspector, Southern Railway, Kannur residing at Railway Quarters, Kannur.
13. Pathan, aged 32 years, S/o Kondan, Gangman, C/o The Chief Permanent Way Inspector, Southern Railway, Quilandy, residing at Railway Quarters, Quilandy.
14. P. Shanmugham, aged 37 years, S/o Palaniappan, Gangman, C/o Chief Permanent Way Inspector, Kannur, ~~Railway~~ residing at Railway Quarters, Kannur.
- 15). P. Ramasamy, aged 35 years, S/o Palani Gangman, C/o Chief Permanent Way Inspector, Southern Railway Kannur, residing at Railway Quarters, Kannur.
16. Sakthivelu, aged 33 years, S/o Krishnan, Gangman, C/o Chief Permanent Way Inspector, Kannur, residing at Railway Quarters, Kannur.
17. Raju, aged 32 years, S/o Muthan, Gangman, C/o Chief Permanent Way Inspector, Southern Railway Kannur, residing at Railway Quarters, Kannur.
18. Oomandaran , aged 39 years, S/o Periyaswamy, Gangman, C/o The Chief Permanent Way Inspector Southern Railway, Kannur, residing at Railway Quarters, Kannur.
19. K. Selvaraj S/o Kaliappan Gangman C/o Chief Permanent Way Inspector Southern Railway, Quilandy residing at Railway Quarters, Quilandy

By Advocate Mr. P. Ramakrishnan

...Applicants

vs.

1. Union of India represented by the General Manager, Southern Railway Madras
2. The Divisional Personnel Officer Southern Railway, Palakkad
3. The Senior Divisional Engineer (Coordination) Southern Railway Palakkad

Respondents

By Advocate Mr. Thomas Mathew Nellimootttil

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicants herein, seek to quash A-III order rejecting their request for transfer to Karur and Trichi. Applicants in O.A. 1785/94 and 1798/94 who had been transferred to Karur approached this Tribunal challenging the transfer while applicants herein seek a posting to Karur sub division.

2. A government servant has no right in the matter of transfer and an order of transfer is liable to be interdicted if only it is vitiated by malafide (See Union of India vs. S.L. Abbas (AIR 1993 SC 2444) and N. K. Singh vs. Union of India (1994(5)J.T. 298). However if an employee can be accommodated without hardship to anybody, or as in this case, if an employee can be accommodated at a place, where others do not want to go, there can be no harm in doing that. It must be remembered that a contended service works better. Those posted to Karur sub division do not want to go there. *Prima facie*, no harm will be done to anyone including the administration if these applicants are posted at Karur. Respondents should consider whether this could be done. Chief Personnel Officer will consider this while considering the representations made by applicants in O.A. 1785/94 and 1798/94. Till a decision is so taken, status quo

List of Annexures

1. Annexure AIII:- True copy of letter No.J/CAT.1372/94 dated 16-11-94 from the 2nd Respondent to the Applicants.