

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

* OA 201/2006

Wednesday this the 1st day of November, 2006

CORAM: HON'BLE Mrs.Sathi Nair, Vice Chairman

O.J.Jacob
SM-III/MTDM
Staff No.JC 1215
Palakkad Division,
Southern Railway,
Chennai.

... Applicant

By Advocate Mr.C.Rajendran

V/s.

1. Union of India,
Ministry of Railways,
Rail Bhavan, New Delhi
rep. by the Secretary.
 2. The Chairman, Railway Board,
New Delhi.
 3. The Chief Personnel Officer,
Southern Railway, Chennai.
 4. The Senior D.P.O., Palakkad Division,
Southern Railways, Palakkad.
 5. The Senior D.P.O.,
Thiruvananthapuram Division,
Southern Railway,
Thiruvananthapuram
- ... Respondents

By Advocate Ms.P.K.Nandini

This OA having been heard on 1st November, 2006, the Tribunal on the same day delivered the following:-

(ORDER)

Hon'ble Smt.Sathi Nair, Vice Chairman

The applicant joined in the service of the Railway in the 1996 as ASM at MTDM in Palakkad Division. His wife is working as High School

Assistant at Government Vocational Higher Secondary School at Kadakkal in Kollam District. As there is no chance for his wife to get a transfer to any place within the limit of southern Railway, Palakkad Division, the applicant submitted a request in 1996 followed by several representations requesting for transferring him to any station coming within the territory of Southern Railway, Thiruvananthapuram Division. The applicant is a Group 'C' employee and his case is covered by instructions in Annexure A-3 dated 5/11/1997 regarding consideration of requests for posting of the spouses at the same station.

"The Railway servant may apply to the Controlling Authority for a posting at the place of posting of his/her spouses which may be considered favourably by the competent authorities. If no post is available for posting of the railway servant at the place of posting of the spouse/he/she may be posted to a place closer to the place of posting of the spouse. If this also is not possible on application from the Railway servant for posting of the spouse who is working in the Central/State/Public Sector undertaking may be forwarded to the controlling authority of the spouse for his/her posting at a near the place of posting of the railway servant."

2 The applicant has contended that though he clearly falls under the aforementioned category, his request has not been considered so far. As no communication has been received by him from the respondents, and the respondents are maintaining a separate register for considering such requests, the service particulars have been acted upon by the respondents. They have submitted that the applicant applied for inter divisional One way transfer to Trivandrum Division, his application was forwarded on 26/11/1996. His request was registered accordingly and his position was at serial no.12. in the special register maintained for request transfers. So

far no transfer order to Trivandrum Division has been issued by the office overlooking the applicant and that request transfers are to be considered by the respective divisions, based on the vacancy position in the respective grades, seniority position of Registrants, and the applicant would be considered in his turn.

3 When the matter came up for hearing on 9/8/2003, the reply of the respondents did not indicate that the request of the applicant has been considered on the basis of extant instructions of posting of Husband and Wife in the same Division. It was noted that Annexure A-3 clearly stipulate that a separate register should be maintained for Inter-divisional transfer and such request have to be reviewed from time to time. The fifth respondent was therefore directed to clarify whether the request of the applicant was considered in the light of the instructions. Accordingly, the fifth respondent confirmed that a separate register is maintained registering the requests for transfer from employees for posting at the place of posting of their spouse and in that priority list, the applicant's position is at serial no.1. It is further clarified that the applicant's registration in the general list is w.e.f. 13/1/1997 ~~was~~ at Serial no.10 and the registration has been made with effect from 8/8/2000 in the spouse record.

The applicant has sought the following relief:-

- a to give a direction to the respondent nos.1 to 4 to transfer the applicant to any of the stations coming within the territorial jurisdiction of the Thiruvananthapuram Division of the Southern Railway.
- b to give a direction to the respondent nos.1 to 4 to consider and pass favourable orders on Annexure A3 representation within a time frame fixed by this Hon'ble Tribunal.
- c Any other further relief or orders that this Hon'ble

Tribunal may deem fit and proper to meet the ends of justice.

4 In the light of the submissions in the clarificatory reply filed now by the fifth respondent that applicant is placed at serial no.1, I consider that the interest of justice will be met if the respondents are directed to transfer the applicant to any station in Trivandrum Division in the next arising vacancy. OA is allowed. No costs.

Sathi Nair
SATHI NAIR
VICE CHAIRMAN

abp