

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.201/09

Monday this the 30th day of March 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

D.Padmanabhan,
S/o.P/Dharmarajan,
Chief Supervisor Enquiry and Reservation,
Southern Railway, Trivandrum Central.
Residing at T.C.No.55/605 (64),
Vinayaka Nagar, Pappanancode Post,
Trivandrum – 695 018.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

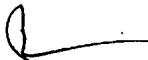
Versus

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office,
Park Town P.O., Chennai – 3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
3. The Senior Divisional Commercial Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.
5. Shri.K.Mohankumar,
Chief Supervisor Enquiry and Reservation,
Southern Railway, Chengannur R.S.and P.O.,
Chengannur.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 30th March 2009 the Tribunal
on the same day delivered the following :-



ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by Annexure A-1 order transferring him from Trivandrum Central to Nagercoil Junction on administrative ground, showing him as surplus. According to the applicant, the sanctioned strength of E&R category of employees is 5, against which 4 persons including him have been working. Now the respondents vide Annexure A-1 order, posted 2 more candidates, namely, Shri.Kuruvila Abraham and Shri.K.Mohankumar thereby increased the working strength to 6 and declared him as surplus. In the Annexure A-6 representation dated 9.3.2009, the applicant submitted that he has been working as CSE&R with effect from 1.11.2003 in terms of O.O.67/08 dated 5.9.2008. Thereafter, he had been transferred to PRS/TVCP and worked at TVCP as CSE&R only in October, 2006 and he had joined TVC on transfer vide O.O.42/2006 V/P/67/III/ECRC Vol.II dated 22.9.2006. According to him, he will become due for a periodic transfer only in the year 2011.

2. Learned counsel for the applicant, Shri.Mohan Kumar, has submitted that if the posting of the 5th respondent, Shri.K.Mohankumar, is postponed to 1.6.2009, he could very well be accommodated against the vacancy which would be arising w.e.f. 31.5.2009, on the retirement of Smt.K.M.Prabha who is working in the same capacity in Trivandrum and the applicant's dislocation from the present place of posting could be avoided. In other words, the request of the applicant is that till 31.5.2009, Annexure A-1 may not be given effect to and he and Shri.Mohan Kumar



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be allowed to continue at their respective places of posting so that his transfer could be avoided and Shri Mohan Kumar can join at Trivandrum with effect from 1.6.2009 when the vacancy arises there.

3. I have heard learned counsel for the parties. In my view, it is for the respondents to consider the above request and to take a decision on it. I, therefore, dispose of this O.A at the admission stage itself permitting the applicant to make a detailed representation in this regard to the respondents within a period of two weeks and on receipt of such a representation the 4th respondent shall consider and dispose of the same by a reasoned and speaking order within a period of four weeks thereafter. Till such time the Annexure A-1 order in respect of the applicant and the 5th respondent shall not be given effect to. There shall be no order as to costs.

(Dated this the 30th day of March 2009)



GEORGE PARACKEN
JUDICIAL MEMBER

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