

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.230/13

Tuesday this the 19th day of March 2013

C O R A M :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

V.G.Sabu,
S/o.V.M.George,
Chief Commercial Clerk Gr.III, Booking Office,
Southern Railway, Trivandrum Central, Trivandrum – 695 014.
Residing at Railway Quarter No.156-A, Anwar Gardens,
Poojappura, Thiruvananthapuram – 695 012.Applicant

(By Advocate Mr. T.C.Govindaswamy)

V e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
3. The Senior Divisional Commercial Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
4. The Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.Respondents

(By Advocate Ms.P.K.Radhika)

This application having been heard on 19th March 2013 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant challenges Annexure A-1 transfer order dated 5.3.2013, which, according to him, was received by him only a couple of days ago. He has prayed for stay of the said order as an interim measure.

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2. Briefly stated, according to the counsel for the applicant, from the very reference of the impugned order it may be seen that the transfer order was issued at the instance of the Vigilance Department. Counsel narrated in brief an episode that has taken place on 2.12.2012 when, at the inspection carried out by the Vigilance Department, a cash amount of Rs.1,34,038/- was recorded, while the amount actually found was Rs.1,34,211/-, which means, Rs.173/- in excess. According to the counsel, any marginal surplus or shortfall is normally credited/made good by the counter staff himself and this is the permitted and actual practice. The same has been conducted as per Annexure A-6. The applicant was issued with charge sheet also on 7.2.2013, which is still pending. According to the counsel for the applicant, such transfer at the instance of the vigilance may be carried out after a representation, if any, made before the DRM/ACPO is considered. Annexure A-8 and Annexure A-9 refer.

3. Counsel for the applicant submits that the applicant could come to know about the transfer order recently and it will be appropriate, if the applicant be permitted to pen a representation in accordance with Annexure A-8 and Annexure A-9 orders of the Railway Board and till then, he be not shifted from the present place of posting, namely, Trivandrum Central.

4. I have heard Shri.Varghese on behalf of Ms.P.K.Radhika, counsel for the respondents. He seeks time to get instructions. It is seen from Annexure A-8 and Annexure A-9 that a right to make representation is provided for before any transfer at the instance of vigilance is carried

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out. Accordingly, it is appropriate that the respondents are directed to consider the representation, if any, filed by the applicant within a period of one week from today and till the DRM decides the representation so filed, Annexure A-1 order be kept in abeyance.

5. With the above direction, the O.A is disposed of.

(Dated this the 19th day of March 2013)



Dr. K.B.S. RAJAN
JUDICIAL MEMBER

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