

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 24 OF 2010

Monday, this the 11th day of January, 2010

CORAM:

**HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

M.Mohanan
Station Master Gr.III/Southern Railway
Office of the Crew Management System, Shornur
Residing at - "Nandanam", Chunangadu, Pilathara
Ottappalam, Palghat District ... **Applicant**

(By Advocate Mr.TCG Swamy)

versus

1. Union of India represented by the
General Manager
Southern Railway, Headquarters Office
Park Town P.O., Chennai – 3
2. The Additional Divisional Railway Manager
Southern railway, Palghat Division
Palghat
3. The Senior Divisional Personnel Officer
Southern railway, Palghat Division
Palghat
4. The Senior Divisional Operations Manager
Southern railway, Palghat Division
Palghat ... **Respondents**

(By Advocate Mr.Thomas Mathew Nellimoottil)

The application having been heard on 11.01.2010, 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 dated
05.01.2010. By the said order medically declassified staff has been
transferred and posted to different Units / Stations on the same pay and



grade pay on administrative grounds with immediate effect. They were transferred alongwith the supernumerary post.

2. The contention of the applicant is that he is a person medically de-categorized requiring medical classification Cee-one and below. There is no post called UTS and the medical classification required to discharge the functions of the duties has also not been identified. He has also submitted that he was medically categorized during 2005 and despite passage of 4 years, the respondents have not taken any steps to provide the applicant with an alternative appointment in any of the cadres to which the applicant is suitable like the Ticket Checking cadre, Commercial Clerks cadre, Commercial Inspectors cadre, Office Clerks cadre etc. He was found medically unfit on account of health problems and therefore posting him to UTS/KMQ near Mangalore, which is far away from Shornur is arbitrary, discriminatory, contrary to law and hence unconstitutional.

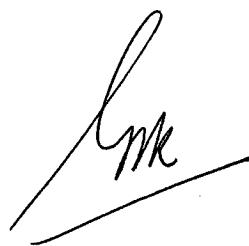
3. We have heard the learned counsel for the parties. In our considered view, this OA can be disposed of without notice to respondents at admission stage itself by permitting the applicant to make representation to Respondent No.1, viz., The General Manager, Southern Railway, Headquarters Office, Park Town P.O., Chennai against the aforesaid Annexure A-1 order dated 05.01.2010 so that the authority concerned can take appropriate action in the matter depending upon the merits of the case.

4. We therefore, direct that the applicant may submit a detailed representation to Respondent No.1 within a weeks' time positively. In any

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case, such a representation is received within the permitted time, Respondent No.1 shall consider the same in accordance with rules and dispose of the representation with a reasoned and speaking order. Till such time, the applicant's transfer to UTS/KMQ shall remain stayed. There shall be no order as to costs.

Dated, the 11th January, 2010.



K GEORGE JOSEPH
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

vs