

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.246/2008
Dated the 16th day of May, 2008**

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

R.K.Gangadharan,
Technician Gr.L/Carraige & Wagon,
Southern Railway, Mangalore,
Residing at: Railway Quarter No.87-C,
Railway Colony, Mangalore. ... Applicant

By Advocate Mr.T.C.G.Swamy

V/s.

- 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, Palghat Division,
Palghat.
- 3 The Divisional Railway Manager,
Southern Railway, Salem Division,
Salem.
- 4 The Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
- 5 The Senior Divisional Mechanical Engineer,
Southern Railway, Palghat Division,
Palghat.
- 6 The Senior Section Engineer,
Carriage & Wagon,
Southern Railway,
Mangalore Railway Station,
Mangalore. ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil



The application having been heard on 16.05.2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

The applicant is aggrieved by the Annexure A-1 Office Order dated 10.4.2008 by which he has been transferred from Mangalore under the Palghat Division to Erode under the Salem Division. After the aforesaid order was passed, the applicant had proceeded on leave on 14.4.2008 and he still continues on leave. Meanwhile, respondents issued a relieving order dated 11.5.2008 (Annexure A-2) by Registered post which the Applicant received on 14.5.2008. Thereafter, the present OA has been filed by the applicant.

2 The contention of the applicant is that after the formation of Salem Division w.e.f. 1.11.2007, unless there is an option from his side, the authorities were not competent to transfer the employee from one Division to another. According to the Annexure A-3 guidelines, "Procedure order No.1-Establishment Matters" the following guidelines for transfer of staff on account of the formation of the Salem Division have been issued:-

"1.6.0 Transfer of Staff

No staff will be transferred against his/her willingness on a permanent basis in line with the assurance given by Hon'ble MOSR.

1.6.1 Field Staff

The Field staff presently working in the transferred jurisdiction of the proposed SA Division will be deemed to have automatically been transferred to SA Division unless such of those staff opt out of SA Division and



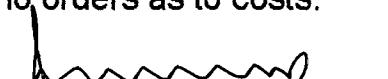
and choose to go back to their parent Division to be exercised in writing.

1.7.0 Pending Transfer Requests

The transfer requests already registered are to be dealt as under:-"

3 I have heard Advocate Mr.T.C.G.Swamy, counsel for applicant and Advocate Mr.Thomas Mathew Nellimoottil, counsel for respondents and perused the records.

4 In my considered opinion this OA is premature as the applicant has not availed himself of the departmental remedies available to him. He has approached this Tribunal without giving any representations to respondents against his transfer. I consider, in the interest of justice, that the applicant should be given a fair chance to make a representation. The applicant shall therefore, make a representation to the 2nd respondent, namely, the Divisional Railway Manager, Southern Railway, Palghat within three days from today and the respondent no.2 in turn shall dispose it of at the earliest. Till such time, the Annexure A-1 and A-2 orders dated 10.4.2008 and 11.5.2008 shall not be given effect to. With the aforesaid direction, the OA is disposed of. There shall be no orders as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER

abp