

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.257/11**

**Tuesday this the 12<sup>th</sup> day of July 2011**

**C O R A M :**

**HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER  
HON'BLE Ms. K.NOORJEHAN, ADMINISTRATIVE MEMBER**

K.Sivadas,  
S/o.K.Chathu,  
Loco Pilot (Goods),  
C.C.R.C Office, Southern Railway, Erode.  
Residing at Karakkath House, Pynkulam Post,  
Cheruthuruthy Via, Trichur District. ....Applicant

(By Advocate Mr.Martin G Thottan)

**V e r s u s**

1. The General Manager, Southern Railway,  
Headquarters Office, Chennai – 3.
2. The Chief Personnel Officer, Southern Railway,  
Headquarters Office, Chennai – 3.
3. The Senior Divisional Personnel Officer,  
Southern Railway, Palakkad Division, Palakkad – 2.
4. The Senior Divisional Personnel Officer,  
Southern Railway, Salem Division, Salem – 4. ....Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

This application having been heard on 12<sup>th</sup> July 2011 this Tribunal on the same day delivered the following :-

**O R D E R**

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

The applicant working as Loco Pilot (Goods) in the C.C.R.C Office at Erode, seeks a declaration that he is entitled to have his lien in the Salem Division of the Southern Railway and he is entitled to further consequential promotion etc.

.2.

2. Briefly stated, the applicant joined the Railway as a Khalasi in 1978 and thereafter appointed as Diesel Assistant and promoted as Loco Pilot (Goods) in the Palakkad Division. He was transferred to Erode Depot in 2002. At that time he made a request for transfer to Shornur which was an intra-divisional transfer within the Palakkad Division. After carving out from Palakkad Division, the new Salem Division was constituted in November, 2007 and Erode falls under Salem Division. As the applicant's transfer application still exists, the applicant has requested for retention of his lien at Salem itself, notwithstanding, the pendency of the application. The respondents vide order dated 8.3.2011 treated the applicant as belonging to Palakkad Division and thus the applicant was not premitted to take the promotional course at Salem Division. It is against this order dated 8.3.2011 that the applicant has approached this Tribunal seeking the following reliefs :-

i. *Call for the records leading to the issuance of Annexure A-2 and quash the same.*

ii. *Direct the respondents to deem the applicant to have continued in Salem Division right from the formation ie., 1.11.2007 and direct further to grant all consequential benefits at par with his juniors in Salem Division.*

3. During the pendency of this O.A the applicant was permitted to undergo the training provisionally vide order dated 25.3.2011 and the applicant has undergone the training.

4. The respondents have contested the O.A. They have annexed the details of individuals who have made request for transfer to Palakkad Division and in the said list the name of the applicant has also been reflected vide Sl.No.1 amongst the Loco Pilot (Goods) (Annexure R-3/4).

.3.

5. Counsel for the applicant argued that the applicant has just three years to serve and perhaps posting him at Shornur if not taking place immediately will not be of any assistance to the applicant and the applicant is prepared to make a request for cancellation of his transfer application.

6. Counsel for the respondents invited our attention to Annexures R-3, R-4 and R-5 and said that such cancellation may not be possible.

7. We have gone through the respective Annexures R-3, R-4 and R-5. It has been stated therein that the request will be cancelled only on written declaration from the employee and cancellation is not permissible once transfer order on request has been issued. In the instant case, the applicant has not so far been transferred nor any order of transfer has been issued. As such, even as per Annexures R-3, R-4 and R-5 the applicant could well request for cancellation of his transfer. Since the counsel for the applicant has prayed for the same on instructions from the applicant, the same be taken as a written request from the applicant and the applicant's lien at Salem Division may be maintained. The applicant's appearance in the training course which has been treated as provisional is made absolute. Consequences resulting from the applicant's lien retained at Salem Division shall accrue to the applicant.

8. With the above directions, the O.A is disposed of. No costs.

(Dated this the 12<sup>th</sup> day of July 2011)

  
K.NOORJEHAN  
ADMINISTRATIVE MEMBER  
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Dr. K.B.S.RAJAN  
JUDICIAL MEMBER