

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.257 of 1998.

Friday this the 1st day of May, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

P.D.John, S/o Devassia,
Station Manager,
Ernakulam Town Railway Station,
Permanent address:
Railway Qr.NO. 197-B
Near Railway Hospital,
Quilon.Applicant

(By Advocate Mr. T.C.Govindaswamy)

Vs.

1. The Chief Personnel Officer,
Southern Railway, Headquarters Office,
Park Town PO, Madras.3.
2. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division, Trivandrum.
3. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum.14.
4. Shri M.Ajith,
Station Manager,
Southern Railway,
Quilon Railway Station,
Quilon.Respondents

(By Advocate Mrs. Sumati Dandapani)

The application having been heard on 1.5.1998, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicant has filed this application impugning the order dated 30.12.97 (A8) by which the 4th respondent and another person were promoted to the post of Station Manager. The challenge is directed against the promotion of the 4th respondent as also his retention at Quilon. It is alleged in this application that even while a vacancy arose and when the 4th

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respondent was not qualified to be promoted exclusively with a view to accommodate the 4th respondent, the post was down graded and he was allowed to officiate on that.

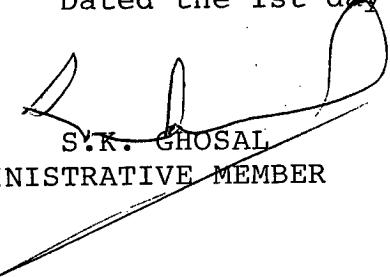
As the applicant had registered for a transfer to Quilon way back in the year 1993 the action of the respondents 1 to 3 in accommodating the 4th respondent on his promotion at Quilon is against the transfer policy of the Railways contained in A2 and that as the applicant's wife is working in Quilon, the Railway Administration is bound as far as practicable to accommodate the applicant also there, submits the applicant. The applicant being a member of the Scheduled Tribe Community is entitled to be accommodated in his native district. The promotion and posting of the 4th respondent at Quilon itself blocks the chance of the applicant to get a posting to his native district. With these allegations he has filed this application for quashing the impugned order A8 to the extent it allows the 4th respondent to continue at Quilon on his promotion.

2. The learned counsel for respondents 1 to 3 took some time to get instructions and to file a statement. Despite adjournments given to facilitate filing of the statement so far it has not been done. However, the learned counsel for respondents 1 to 3 stated that she has got sufficient instructions on the basis of which she would resist the claim of the applicant even without filing a reply statement.

3. We have heard the learned counsel for applicant as also the respondents 1 to 3. However, after making submission for quite some time, learned counsel for the applicant submitted that the applicant may be permitted to withdraw this application with liberty to take up the matter further with the higher authorities in the Railways.

4. In the light of the submission of the learned counsel for the applicant, we close this application as withdrawn. If the applicant makes a representation in regard to his grievances regarding his posting, we hope the competent authority would consider the same taking into account the relevant matters and pass an appropriate order. There is no order as to costs.

Dated the 1st day of May, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A2: Railway Board letter No.E(NG)II/71/TR/14 dated 1.10.71.
2. Annexure A8: Office Order No.T.63/97/SM dated 30.12.97 issued by the third respondent.

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