

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.261/99

Tuesday this the 30th day of March, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. B.N. BAHADUR, ADMINISTRATIVE MEMBER

P.D.John,  
Station Manager,  
Southern Railway,  
Ernakulam Town,  
Cochin.18 residing at 197-B  
Railway Quarters, Near Railway Hospital,  
Kollam. ....Applicant

(By Advocate Mr. M.P.Krishnan Nair)

Vs.

1. Union of India, rep. by General Manager,  
Southern Railway,  
Park Town, Madras.3.
2. Chief Operation Manager,  
Southern Railway, Madras.
3. Chief Personnel Officer,  
Southern Railway, Madras.
4. Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum.
5. Additional Divisional Railway Manager,  
Southern Railway,  
Trivandrum.
6. Divisional Railway Manager,  
Southern Railway,  
Trivandrum.
7. The Senior Divisional Personnel Officer,  
Southern Railway,  
Trivandrum.23.
8. Ajith M, Station Manager,  
Southern Railway, Kollam. ....Respondents

(By Advocate Mrs. Sumati Dandapani (for R.lto7)

The application having been heard on 30.3.99, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant, who is presently working  
as Station Master, Southern Railway, Ernakulam Town  
is aggrieved because he has not been given a

transfer to Quilon but has been told that his case for transfer would be considered as and when a vacancy would arise there. He is further aggrieved that despite his qualifying in the written test, viva voce and medical examination for promotion to the post of Assistant Operations Manager, while all others who were subjected to written test and viva voce alongwith him were promoted, he has not been so promoted. He is also aggrieved that he is being harrassed by successive departmental disciplinary proceedings on grounds which according to him are flimsy. The applicant has therefore, filed this application for a declaration that A.13 order by which his request for transfer has not been acceded to and A.12 order by which the 8th respondent has been adjusted against the vacancy of Station Master at Quilon is arbitrary and unreasonable and that he is entitled to be promoted and appointed to the post of Assistant Operations Manager with effect from 11.1.99 and for the consequential directions.

2. We have perused the application and the various annexures appended thereto and have heard the learned counsel Shri M.P.Krishnan Nair, appearing for the applicant, and Smt.Sumati Dandapani appearing for the official respondents. The counsel on either side state that the grievance of the applicant of not being given a transfer to Quilon does not subsist now as he has been after filing of this application transferred to Quilon along with the

post. Regarding the grievance of the applicant of non-promotion to the post of Assistant Operations Manager, the applicant has to exhaust the departmental remedy available to him of filing a representation to the higher authority, which he has not done. Therefore the application in that regard is premature. The application is therefore, rejected.

3. It is made clear that the applicant will be at liberty to make a representation to the competent authority projecting his grievances of non-promotion and we expect the competent authority to consider the grievances and to give him an appropriate reply within a reasonable time. If the applicant has subjected to any transfer from the present place of posting unjustifiably it would be open for him to seek appropriate relief at the appropriate occasion.

4. With the aforesaid observations, the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 30th day of March, 1999.

B.N. Bahadur

B.N. BAHADUR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure.A12: True copy of the Office Order No.T.63/97/SMT. dated 30.12.97 issued by the 7th respondent.

Annexure.A13: True copy of the Order No.P(S)II/SM/Court Case/PDJ, dated 14.7.98 issued by the 3rd respondent.