

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 285/2002

Friday, this the 3rd day of May, 2002.

CORAM :

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

M. Theethan,
Aged 54 years, S/o Munisamy,
Chief Parcel Clerk,
Salem Junction,
Residing at No.13-A,
East Railway Colony, Salem-5.

...Applicant

(By Advocate Mr. T.C. Govindaswamy)

Vs

1. Union of India rep. by
The General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Chennai-3.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Chennai-3.
3. The Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.
4. The Chief Commercial Manager,
Southern Railway,
Headquarters Office,
Park Town P.O.,
Chennai-3.

... Respondents

(By Mr. P. Haridas)

The application having been heard on 3.5.2002, the Tribunal on the same day delivered the following :

ORDER

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

The applicant, Chief Parcel Clerk, Salem Junction of the Southern Railway has filed this application challenging the order dated 9.4.2002 issued by the 3rd respondent with concurrence of

the Chief Personnel Officer, Southern Railway, Madras transferring him to Trivandrum Division maintaining his lean at Palghat Division on administrative ground. It is alleged that following a vigilance check the applicant was placed under suspension, that he was later reinstated and has now been transferred by the impugned order Annexure A1. The order is assailed on the ground that the 3rd respondent is incompetent to transfer the applicant, that the transfer out of the Division is against provisions of Rule 226 of the Indian Railway Establishment Code and is arbitrary, irrational and wholly unjustified.

2. The learned counsel for the respondents stated that as the applicant was detected indulging in malpractices, in accordance with the policy decision and on administrative ground, he was transferred out of the division in public interest and that under these circumstances, the Tribunal may not interfere.

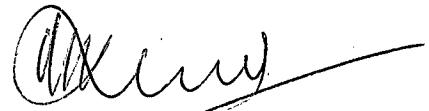
3. In OA 533/2001 an identical question was considered. It was held that the policy decision of the Railway Board to transfer the ticket checking staff and other commercial staff detected indulging in malpractices should be transferred outside the division, was taken with a laudable objective of maintaining probity in service and in furtherance of public interest and that therefore, the Tribunal would not interfere in such cases. The situation in this case is exactly identical. The contention of the applicant that the DPO is incompetent is also untenable

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because the transfer has been made with the concurrence of the Chief Personnel Officer, to whom the power was delegated as stated by the counsel of the respondents.

4. In the result, finding nothing in this case which calls for further adjudication, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 3rd May, 2002.



A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : Office order No.J/C/18/2002 dated 9.4.2002 issued by 3rd respondent.
2. A-2 : Letter No.E(SCT) 60 CM1/100 dated 8.12.1960 issued by the Railway Board.
3. A-3 : Letter No.E (SCT) 70 CM 15/15/3 dated 19.11.1970 issued by Railway Board.
4. A-4 : Letter No.E (SCT) 74 CM 15/58 dated 14.1.1975 issued by Railway Board.

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