

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.289/2001.

Monday this the 6th day of August 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

R. Shanmugam,
Junior Engineer/Works/Grade I,
Southern Railway, Karur. Applicant

(By Advocate Shri T.C.Govindaswamy)

VS.

1. The Union of India represented by the General Manager, Headquarters Office, Southern Railway, Park Town P.O., Chennai-3.
2. The Chief Engineer, Headquarters Office, Southern Railway, Park Town P.O., Chennai-3.
3. Chief Planning and Development Engineer, Headquarters Office, Southern Railway, Park Town P.O. Chennai.
4. The Divisional Railway Manager, Southern Railway, Palghat Division, Palghat.
5. The Senior Divisional Engineer, C-o-ordination, Southern Railway, Palghat Division, Palghat.
6. The Senior Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.

(By Advocate Shri James Kurien)

The application having been heard on 6th August 2001 the Tribunal on the same day delivered the following:

O R D E R

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

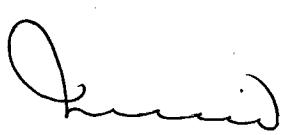
The applicant, Junior Engineer (Works) (Grade I), has filed this application challenging his transfer from Karur to Calicut by the impugned order on the ground that the Senior Divisional Engineer is incompetent to transfer him and that the order is bad as it has been issued ignoring the policy of the Railways regarding posting of employed spouses in one station to the extent possible.

2. The respondents have filed a detailed reply statement. The impugned order is shown to have been issued with the approval of the competent authority. Since a contention was raised by the applicant that before making the order of transfer, consultation with the Chief Planning and Design Engineer was required and that the order does not indicate that such prior consultation was made, we directed the respondents to have an affidavit of the Chief Planning and Design Engineer, filed in the matter. The Chief Planning and Design Engineer who has since been transferred to Orissa and is now working as Chief Administrative Officer (Construction) Bhubaneswar, has filed an affidavit on 20.7.2001, stating that he was consulted by the Divisional Railway Manager, Southern Railway, Palghat, before the impugned order of transfer (A-1) was issued. Since the order of transfer was issued by a competent authority in accordance with law after due consultation, the contention of the applicant that the order is bad for non-competence has no substance. The contention of the applicant that the transfer has been ordered violating the guidelines and therefore, the

same has to be struck down also has no force. It is true that the Railways themselves have issued guidelines which stipulates that, to the extent possible employed spouse should be retained in the same station or nearby station but that does not prohibit transferring an officer away from the place where his spouse is working. When there is an administrative constraint, it may not be always possible to observe the guidelines. In this case as the transfer of the applicant from Karur to Calicut has been made on administrative grounds, and as there is no vitiating circumstances in the manner in which the order was made, we are not inclined to interfere in the matter.

3. In the light of what is stated above, the application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 6th August, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

Annexure - A.1 : True copy of the order No.J/P 535/IX/IOW dated 9.3.2001 issued by the 6th respondent.