

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.31/08

Tuesday this the 15<sup>th</sup> day of January 2008

**C O R A M :**

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN**

Tanaji Nimbaji Paradhi,  
S/o.Nimbaji Paradhi,  
Senior Assistant Loco Pilot,  
Southern Railway, Nagercoil, Trivandrum Division.  
Residing at Railway Quarters 5 J, Kottar, Nagercoil.

...Applicant

(By Advocate Mr.Martin G Thottan)

**Versus**

1. Union of India represented by Secretary,  
The General Manager, Southern Railway,  
Headquarters Office, Park Town, Chennai – 3.

2. The Chief Personnel Officer,  
Southern Railway, Headquarters Office,  
Park Town, Chennai – 3.

3. The Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum Division.

4. The General Manager,  
Central Railway, Headquarters Office, Mumbai.

...Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

. This application having been heard on 15<sup>th</sup> January 2008 the Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN**

The applicant is presently working as Senior Assistant Loco Pilot. On 2.6.2005 the applicant submitted a mutual transfer application along with one Shri.Aneesh P.S. At that time both were working as Assistant Loco Pilots in the scale of Rs.3050-4590. The applicant belongs to ST category and the other person belongs to General category.

.2.

At that time policy on mutual transfer between the General candidates and reserved candidates was under consideration of the Railway Board. The policy decision of the Railway Board was conveyed vide Annexure A-4 dated 14.8.2007 restricting transfers on mutual exchange basis to be allowed between employees belonging to the same category only. However, transfers on bottom seniority in recruitment grades were not restricted with reference to points in the post based rosters. In terms of this policy, the request of the applicant was rejected by Annexure A-3 dated 6.11.2007 stating that the request was for a transfer with Shri.Aneesh P.S., who belongs to a different community. By Annexure A-5 dated 22.10.2007 the Railway Board further clarified the instructions dated 14.8.2007 stating that the earlier instructions do not impose any restriction on transfer on request on bottom seniority.

2. The applicant's contention in the O.A is that in the light of this clarification in Annexure A-5, his case can be considered favourably as at the time of the request both he and Shri.Aneesh P.S were working in the same recruitment grade and the post of Senior Assistant Loco Pilot is only a restructured post and not promotional one. It is also submitted that the applicant is prepared to be reverted to the recruitment grade if that is standing in the way of his transfer.

3. In the light of this submission, I am of the view that if the applicant makes a detailed representation highlighting these factors, the respondents can re-consider the request of the applicant in the light of the clarifications issued in Annexure A-5 and the submissions now made by the counsel for the applicant.

.3.

4. Shri.Thomas Mathew Nellimoottil takes notice for the respondents. Both the counsel agreed to this course of action. By consent of both the parties, I am disposing of this O.A at the admission stage itself, permitting the applicant to make a detailed representation as above to the 1<sup>st</sup> respondent within a period of one week and on receipt of such a representation, the 1<sup>st</sup> respondent shall take a decision and communicate the same to the applicant within a period of six weeks from the date of receipt of the representation. No order as to costs.

(Dated this the 15<sup>th</sup> day of January 2008)

*Sathi Nair*

**SATHI NAIR  
VICE CHAIRMAN**

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