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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.315/2005

Wednesday this the 13th day of September, 2006.

CORAM:

HON'BLE MR. K.B.S.RAJAN, JUDICIAL MEMBER

O.I.Vijayan, S/o Uttaman,
Traffic Porter,
Southern Railway, Guruvayoor,
Residing at Railway Quarter No.11/A,
Guruvayoor. Applicant

(By Advocate Shri TC Govindaswamy)

Vs.

1. Union of India represented by
the General Manager,
Southern Railway,
Headquarters Office,
Park Town P.O., Chennai - 3.
2. The Divisional Railway Manager,
Southern Railway,
Trivandrum Division, Trivandrum-14.
3. The Senior Divisional Personnel Officer,
Southern Railway,
Trivandrum Division, Trivandrum-14.
4. The Senior Divisional Safety Officer,
Southern Railway,
Trivandrum Division, Trivandrum-14. Respondents

(By Advocate Shri Sunil Jose)

The application having been heard on 13.9.06,
the Tribunal on the same day delivered the following.

ORDER

HON'BLE MR. K.B.S.RAJAN, JUDICIAL MEMBER

This O.A. relates to challenge by the applicant of his transfer from Guruvayoor to Trichur on administrative grounds vide Annexure A-1 order dated 20.4.05. The applicant has challenged the said transfer order on many grounds

including that, the order was not passed by the competent authority. However, on production and inspection of records, the counsel for the applicant having been satisfied that the transfer order has been passed with the approval of the competent authority, he has submitted that the applicant may be permitted to file a fresh representation reflecting all his difficulties in undertaking the transfer and the department may take a decision on the same.

2. Learned counsel for the respondents submitted that, since many of the grounds as raised in the O.A. relate to the domestic affairs of the applicant, it is for the Tribunal to consider and pass a suitable order.

3. It has been stated in the O.A. that the applicant has three children of whom the eldest daughter is a final year M.Com. student, the middle one is studying in Batchler course of Veterinary Science and the youngest daughter had appeared in Kerala Medical Entrance Examination held in May, 2005. The applicant is a Group 'D' employee.

4. Though transfer is an incident of service and that no employee has any vested right to stay in the same place, taking into account the domestic circumstances, it is felt appropriate that the applicant be permitted to make a representation to the authorities concerned for their sympathetic consideration.

5. Accordingly, this O.A. is disposed of with a direction that the applicant shall prefer a suitable representation within ten days from the date of communication of this order, to the second respondent, who may, within a like period from the date of receipt of such representation, consider the same and arrive at a final decision in regard to the request of the applicant. If the second respondent is of the opinion that the applicant's request can be acceded to, suitable orders be passed and in case that respondent is of the opinion that the transfer order cannot be varied, he may pass a speaking and reasoned order. No opinion on the merit of the matter is expressed in this order.

6. Till the disposal of the representation by the 2nd respondent, the applicant shall not be disturbed from his present place of posting.

7. No costs.

Dated the 13th September, 2006.


KBS RAJAN
JUDICIAL MEMBER