

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
XXXXXX

342

1991

DATE OF DECISION 17.7.1991

P.D. John Applicant (s)

Mr.P.Sivan Pillai Advocate for the Applicant (s)

Versus

UDI through The General Manager Respondent (s)
Southern Railway, Madras & 2 others

Smt.Sumathi Dandapani Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. A.V.Haridasan - Judicial Member

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *~*
3. Whether their Lordships wish to see the fair copy of the Judgement? *~*
4. To be circulated to all Benches of the Tribunal? *~*

JUDGEMENT


(Mr.A.V.Haridasan, Judicial Member)

Heard the counsel for the applicant and the respondents.

2. The applicant, *a* member of a Scheduled Tribe and *an* Assistant Station Master in the pay scale of Rs.1200-2040 working at Ernakulam South Station has in this application filed under Section 19 of the Administrative Tribunals Act challenged the order at Annexure-A3 dated 21.2.1991 wherein, alongwith several other officers he was also transferred. His grievance is that, though he had made a request for a posting at Quilon where his wife is employed as Commercial Clerk as early as in 1988, this request has not been

with and
complied ⁱⁿ in the existing vacancy at Quilon one Shri
Chandra Sekharan Pillai had been posted in March, 1990,
and that, though there are vacancies in Ernakulam itself
left unfilled, the applicant has been shunted to a
distant place overlooking various instructions of the
Government of India as well as the Railway Board which
directs that transfers in the case of employees belonging
to Scheduled Castes and Scheduled Tribes should be made
only when absolutely essential, and that hardship should
be minimised to them by posting them as close to their
native place as possible. The respondents filed a reply
statement in which it is contended that, the applicant's
request for transfer to Quilon could not be acceded to
though his wife is employed at Quilon for the reason
that as he had been found guilty of grave financial impro-
priety while he was working at Quilon in a different
cadre, it was felt that his posting at Quilon would not
be in public interest. While the application came up
for final hearing today, the learned counsel appearing
for the respondents produced ^{our} for perusal an order dated
4.6.1991, OO No.T.41/91/SM, issued by the Divisional
Personnel Officer, Trivandrum whereby the applicant has
been restored to his original post of Station Master
in the scale Rs.550-750/1600-2660 with immediate effect
consequent on the General Manager's reviewing the punish-
ment of reduction in rank for a period of 5 years imposed

on him and reducing the period of reduction for a period of 2 years. In the light by this order, the applicant has been posted as Station Master at Karukutti. What is challenged in this application, as the transfer of the applicant as Assistant Station Master. Now that the applicant has been promoted or restored to a higher post as Station Master in the scale Rs.1600-2660, the grievance of the applicant regarding his transfer as Assistant Station Master from Ernakulam to Karukutti does not survive, though a change in station is still involved. In case the applicant finds it extremely inconvenient to be posted at Karukutti, it is open for him to make a representation to the competent authority for modification of the order in regard to the station of his posting. Anyway, since the transfer of the applicant as Assistant Station Master from Ernakulam to Karukutti does not survive, this application has become infructuous and is therefore dismissed. It is open for the applicant as stated earlier to make representation in regard to the place of his posting as Station Master and to seek appropriate relief before proper forum in accordance with law in case he does not get relief from the competent authority. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER
17.7.1991