

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 347 of 2002

Tuesday, this the 21st day of May, 2002

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. M. Johny, S/o Mathias,
Sweeper Cum Porter,
Southern Railway, Kuzhithurai Railway Station,
Residing at: Kathambotu Kuzhi, Puravur,
Manivila PO, Kanyakumari Dt.Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

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

[By Advocate Mr. P. Haridas]

The application having been heard on 21-5-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant is working as a Sweeper cum Porter at Kuzhithurai Railway Station of Southern Railway, Trivandrum Division. The 2nd respondent has passed Annexure A1 order dated 1-4-2002 transferring the applicant to Trivandrum on the ground of surplusage. The applicant submitted that different cadres of Group D staff in Trivandrum Division has been pinpointed vide Annexure A2 order dated 28-2-2002 and that as per Annexure A2, one post of Traffic Porter is rendered surplus

and there is no surplusage in the cadre of Sweeper cum Porter. Therefore, the transfer of the applicant on the ground of surplusage does not arise. The applicant produced the identity card dated 26-3-2000 issued by the Assistant Operations Manager, Southern Railway, Trivandrum Division, which is Annexure A3. The applicant further submitted that the very foundation of Annexure A1 to the extent it relates to the applicant does not exist. It is further submitted that even if the transfer is considered on the question of surplusage in the cadre of Sweeper cum Porter, then also the applicant is not liable to be transferred since the applicant is neither the juniormost nor the seniormost. The applicant submitted Annexure A4 representation dated 27-3-2002, which is not considered by the authority. Aggrieved by Annexure A1 transfer order, the applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

- "(a) Call for the records leading to the issue of Annexure A-1 and quash the same to the extent it relates to the applicant and direct the respondents to grant the consequential benefits thereof.
- (b) Award costs of and incidental to this Application.
- (c) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."


2. Learned counsel for the respondents submitted that if at all, any irregularity or anomaly has been crept in the order of transfer, the respondents will consider it. Learned counsel for the applicant submitted that Annexure A4 representation is addressed to the DSO, Trivandrum who is not the appropriate authority at this stage and therefore, the applicant may be permitted to file a detailed representation to the appropriate

authority, 4th respondent, within three weeks and the same may be directed to be disposed of by the 4th respondent with due application of mind as expeditiously as possible.

3. In the light of the above submissions, the applicant is permitted to submit a representation to the 4th respondent within three weeks from today and the 4th respondent is directed to consider the representation, if so received, with due application of mind and pass appropriate orders as expeditiously as possible. If the applicant is not relieved already, status quo of the applicant as on today shall be maintained till the disposal of the representation so received by the 4th respondent.

4. The Original Application is disposed of as above with no order as to costs.

Tuesday, this the 21st day of May, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER

ak.

A P P E N D I X

Applicant's Annexures :

1. A-1 : True copy of the Office Order No.T.07/2002/Gr.D dated 1.4.2002 issued by the 2nd respondent.
2. A-2 : A true copy of order bearing No.V/P 536/II/redistribution dated 28.2.2002.
3. A-3 : True copy of the applicant's identity card dated 26.3.2000 issued by the Assistant Operations Manager, Southern Railway, Trivandrum Division.
4. A-4 : True copy of the representation submitted by the applicant dated 27.3.02 addressed to the 3rd respondent.

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22.5.02