

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 35 of 2004

Wednesday, this the 14th day of January, 2004

CORAM

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. C. Vasudevan,
S/o Kaliyan,
Goods Driver/Southern Railway, Quilon
Residing at: Charuvila Melethil Veedu,
Kulamon PO, Kottarakkara, Kerala.Applicant

[By Advocate Mr. T.C. Govindaswamy rep. by Mr. K.M. Anthru]

Versus

1. Union of India, represented by the
General Manager, Southern Railway,
Headquarters Office, Park Town PO, Chennai-3

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

3. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14

4. The Senior Divisional Mechanical Engineer,
Southern Railway, Trivandrum Division,
Trivandrum-14

5. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14

6. The Additional General Manager,
Southern Railway, Headquarters Office,
Park Town PO, Chennai-3Respondents

[By Advocate Mrs. Rajeswari Krishnan]

The application having been heard on 14-1-2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

The applicant, who is working as Goods Driver at Quilon
Railway Station falling within the Trivandrum Division, is
aggrieved by Annexure A1 order dated 1-12-2003 whereby the 5th
respondent under approval from the competent authority

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transferred the applicant on inter-divisional transfer on administrative grounds on his existing pay and scale and posted him at Madras Division with immediate effect. The applicant belongs to Scheduled Caste community. Citing various instructions and orders with regard to the transfer of SC/ST employees to far away places from their home town, the applicant made Annexure A7 representation, wherein he highlighted the facts and circumstances of his case and requested for cancellation of the transfer order and for retention at Quilon. It would appear that the All India SC/ST Railway Employees' Association has also moved the 6th respondent by Annexure A8 representation dated 29-12-2003 referring to the fact that the applicant was having a big family with sick parents and that, hence, his transfer far away from his home station would cause great hardship to him. The applicant's representation is pending. Since no action has been taken so far by the respondents, the applicant has filed this OA with the prayer to quash the impugned Annexure A1 order and order other incidental reliefs.

2. Smt.Rajeswari Krishnan took notice on behalf of the respondents.

3. When the matter came up for consideration for admission, learned counsel for the applicant stated that the applicant would be satisfied, if the OA is disposed of by directing the respondents to appreciate the facts and circumstances highlighted in Annexure A7 representation and issue appropriate orders within a reasonable time without, ofcourse, giving effect to the impugned order. Smt.Rajeswari Krishnan, learned counsel for the respondents also expresses no objection to the disposal of the OA in the above lines.

Jr

4. In the light of the above submissions, the Original Application is disposed of by directing the 1st respondent to consider the applicant's Annexure A7 representation judiciously and pass appropriate orders with a copy thereof to the applicant within six weeks from the date of receipt of a copy of this order. It is specifically directed that if Annexure A7 representation is not received by the 1st respondent, a copy thereof can be made available to the 1st respondent by the counsel for this purpose. Further, it is ordered that till the applicant's Annexure A7 representation is disposed of as directed above, the respondents shall not proceed to give effect to Annexure A1 order in any manner prejudicial to the applicant. No order as to costs.

Wednesday, this the 14th day of January, 2004



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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