

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.350/97

Friday, this the 8th day of August, 1997.

C O R A M :

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN

1. Y. James, S/o.V.K.Yohannan, aged 27 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Valsala Bhavan, Mampilikunnam, Chathannur, Quilon.
2. A. Mohammad Ansari, S/o (Late) M. Abdul Rahim, Aged 28 Years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras residing at 14/542, Nandavanam, Palayam, Trivandrum - 695 001.
3. K.P. Sethumadhavan, S/o. P. Sankara Narayanan, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Kulampurath House, Nhamanght.P.O., Thrissur - 679 563.
4. G. Anilkumar, S/o Gopinathan Pillai, Aged 26 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thodiavpet, Madras, residing at Panuvellil House, Thazham, Karimpinpuzha P.O., Kottarakkara - 691 513.
5. K.P. Varghese, S/o. K.A. Papputty, Aged 26 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Karingen House, Naduvattom, Neeleswaram.P.O., Ernakulam - 683 584.
6. K.B. Renjithkumar, S/o P.P. Bahulayan, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Chengalpet, residing at Kaliyem Parambil, Ayyappankavu, Ernakulam - 682 018.
7. A. Gangadharan, S/o Gopalan, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras. residing at Mylyath House, Chuzhali P.O., Kannur - 670 631.
8. V. Sivadasan, S/o. V.Krishnan, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Cheppilakkunnu Nilam, Azhinilam.P.O., Faroke College - 673 654.
9. P. Jagesan, S/o.P. Arjunan, Aged 26 Years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Pachat House, Kadalundi.P.O., Calicut - 673 302.
10. G. Ajith, S/o K.V. Gopinath, Aged 26 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Madras, residing at Kamukumpallil House, Puliannoor P.O., Kottayam - 686 575.
11. P. K. Gopakumar, S/o Sukumaran Nair, Aged 30 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoore, Southern , Madras, residing at Aillarasseri House, Maruthurattom.P.O., Cherthala - 688 545.

12. E.A. Abdul Khadir, S/o. E. Ahammadkutty, Aged 27 years, Assistant Driver, Chief Crew Controller, Southern Railway, C.W.S/Katpadi, residing at Chhalana, Kandamkulam, Thrissur - 680 669.
13. K. Kanakadas, S/o. Kuppunni.K., Aged 25 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoor, Madras, residing at Kakkat Kalam, Kannadi.P.O., Palakkad - 687 701.
14. C. Sreekumaran Nair, S/o. Chellappan Nair, Aged 30 years, Assistant Driver, Chief Crew Controller, Southern Railway, Thiruvattiyoor, Madras, residing at Lakshmi Sadanam, Thottinu vadakku, Chavara P.O., Kollam - 691 583.
15. A.P. Varghese, S/o. A.J. Paulose, Aged 29 Years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Anjilikkappilly, House, South Paravoor, Ernakulam - 682 018.
16. Jiji Thomas, S/o M.S. Thomas, Aged 27 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Maliyelil House, Malipara.P.O., Kothamangalam - 68 691.
17. G. Thomas, S/o. Gilbert, Aged 27 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Sheeba Nivas, West Taluk Office, Quilon - 691 001.
18. T.S. Sudhir, S/o T.P. Sankaran, Aged 27 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Thaivalappil House, Peruvalloor.P.O., Thrissur - 680 508.
19. K. Narayanankutty, S/o.O.P.N. Nair, Aged 26 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at O.P. House, Narikode, Kottila, Kannur - 670 334.
20. P. Sasindhran, S/o P. Chachan, Aged 26 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Kalithode House, Pallikkal.P.O., Malappuram - 673 653.
21. T.P. Mithra Prasad, S/o T.K. Prabhakaran, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Komattvalappil House, Pathiriyad.P.O., Piharati (via) Talassery - 670 741.
22. P. Pradeepkumar, S/o P.N. Parameswaran Pillai, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Tondiarpet, Madras, residing at Rohini Sadanam, Kuaanperur.P.O., Mannar - 689 623.
23. P.G. Prakash, S/o(late) P.K. Gopalapillai, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, residing at Krishna Nivas, Koovapady, Ernakulam - 683 544.
24. B. Manoj, S/o K. Balachandra Panicker, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, residing at Janaka Vilas, Eramalloor.P.O., Cherthala - 688 537.

25. M.K. Gopalakrishna, S/o M.T. Kali, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Chengal pettu, residing at Maleethara House, Puliyoor P.O., Chengannur., ~~App~~ Alapuzha - 689 510.
26. N.T. Ramesh Babu, S/o K.K. Mootharan, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Jotarpettai, residing at Naroth Thazhathu, Karuvissery.P.O., Kozhikode - 673 010.
27. T. Anil, S/o P. Thomas, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Tondiarpet, Madras, residing at Nalluvilaveedu, Ayira P.O., Parassala-695 502.
28. V.K. Ayyappan, S/o ~~Krishnam~~ <sup>Krishnam</sup>, Aged 30 years, Assistant Driver, Chief Crew Controller, Southern Railway, C.W.S., Katpadi, residing at Vettiyattil House, Chalakody .p.O., Thrissur - 680 307.
29. Gopinathan, S/o M. Balakrishnan, Aged 30 years, Assistant Driver, Chief Crew Controller, Southern Railway, C.W.S., Katpadi, residing at Avikkara House, Kangangad.P.O., Pin-671 315.
30. K. Suresh Babu, S/o.Kelukkutty, Aged 35 years, Assistant Driver, Chief Crew Controller, Southern Railway, Tondiarpet, residing at Poolayilthazha House, ~~Relur~~, Quilandy, Calicut.
31. S. Prakash Kumar, S/o (late) P. Shanmugan Achari, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Tondiarpet, Madras, residing at Kakoli Villa House, Near St: Reethas Church, Nandhirikkal, Vellimon.P.O., Quilon - 691 511.
32. P.N. Bahulayan, S/o P.S. Narayanan, Aged 30 years, Assistant Driver, Chief Crew Controller, Southern Railway, Tondiarpet, Madras, residing at Pazhumparambil House, Mathilakom P.O., Trichur - 680 685.
33. P.A. Eldo S/o P.V. Esthapanose, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras, residing at Parampettumalil, Chelad.P. ., Ernakulam - 68 6 687.
34. M.A. Jose, S/o M.V. Augusti, Aged 29 years, Assistant Driver, Chief Crew Controller, Southern Railway, Arakkonam, Madras., residing at Moonjeli House, Thuravoor.P.O., Angamali (Via) Ernakulam - 683 586.
35. K.O. Johnson, S/o. ~~Joseph~~ <sup>Joseph</sup>, Aged ~~29~~ <sup>29</sup> years, Assistant Driver, Chief Crew Controller, Arakkonam, Southern Railway, Madras, residing at Kuruppamveedu, Enadi.po., Vaikom.
36. T.M.Vinodkumar, S/o.V.Narayanan Nambiar, aged 28 years, Assistant Driver, Chief Crew Controller, Jolar pettu, Southern Railway, residing at Puthiya Veedu, Pathiriyad.P.O., ~~EV~~-Cannanore - 670 741.
37. E. Nazarudheen, S/o Ibrahimkutty, Aged 28 years, Assistant Driver, Chief Crew Controller, Southern Railway, C.W.S.- Katpadi, residing at Punnurtharayil, Eruva.P.O., Kayamkulam - 690 564.

.. Applicants

(Applicants 2 to 37 are represented by Authorised Agent  
1st Applicant - Y.James)

By Advocate Mr MR Rajendran Nair

Vs.

1. The General Manager  
Southern Railway  
Madras
  2. The Chief Personnel Officer  
Southern Railway  
Madras
  3. The Divisional Personnel Officer  
Southern Railway  
Trivandrum
  4. The Senior Divisional Personnel Officer  
Southern Railway  
Palakkad
- .. Respondents

By Advocate Mrs Sumathi Dandapani

The application having been heard on 8.8.1997, the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR A V HARIDASAN, VICE CHAIRMAN

The applicants who were selected for appointment as Diesel Assistants in Palghat and Trivandrum pursuant to employment Notification No. 1 of 1990 happened to be appointed in Madras Division owing to certain developments which took place in between the selection and appointment. It was after obtaining their option that the applicants were appointed in Madras Division. Their present grievance is that despite the fact that there are vacancies in Palghat and Trivandrum and they had registered their requests for inter-divisional transfer, the Railway Administration is refusing to consider their case for transfer. Therefore, the applicants have filed this Original Application for a declaration that they are entitled to be considered for transfer to Palghat/Trivandrum Division on a priority basis before filling up the existing vacancies by any other method. In the reply statement, the respondents have stated that out of the 37 applicants, only 28 have registered their request

for transfer and no request of the remaining 9 has so far been received. They have made it clear that as and when it becomes feasible, the request of the applicants who have registered would be considered for inter-divisional transfer in their turn. If the remaining 9 applicants make similar request for transfer, their case would also be considered in accordance with the instructions in that behalf, stated the respondents. In the rejoinder filed by the applicant, they have requested that the remaining applicants may also be permitted to make representations to the concerned authority.

2. Learned counsel on either side submitted that the application may be disposed of with a direction to the 1st respondent to take up the request of the applicants for inter-divisional transfer to Palghat and Trivandrum when it becomes administratively feasible in their turn depending on the priority of registration. In view of the statement by the learned counsel on either side it is not necessary to state and deal with the rival contentions in the pleadings.

3. As agreed to by the learned counsel on either side, the application is disposed of with a direction to the 1st respondent to take up the requests of the applicants for inter-divisional transfer to Palghat and Trivandrum as and when such transfer becomes feasible in their turn basing on the priority of the requests. The applicants who have not applied for transfer may do so and their requests shall also be similarly considered by the 1st respondent. There is no order as to costs.

Dated, the 8th August, 1997.



A V HARIDASAN  
VICE CHAIRMAN