

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 362 of 1995

Thursday, this the 9th day of March, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. P Vilasini,
Sanitary Cleaner,
Railway Hospital,
Petta, Trivandrum.

.. Applicant

By Advocate Mr. TC Govindaswamy

Vs.

1. The Chief Personnel Officer,
Southern Railway,
Madras-3.
2. The Medical Superintendent,
Railway Hospital, Petta,
Trivandrum.
3. Smt. A Rama,
Sanitary Cleaner/Field Worker,
Railway Hospital, Petta,
Trivandrum.

.. Respondents

By Advocate Mrs. Sumathi Dandapani

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A2 and A7, an order transferring her and an order affirming the order of transfer. Applicant, who is transferred from Trivandrum to Mysore submits that she should be retained at Trivandrum and the third respondent transferred out from Trivandrum. On two occasions this Tribunal asked respondent Railways to consider representations made by applicant. They considered the same and rejected them. This is just about where, a line should be drawn.

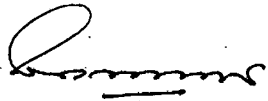
2. The Tribunal showed as much indulgence or more than could be shown. Whether applicant is senior or junior to third

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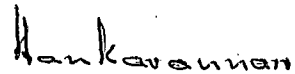
respondent is immaterial. A Court or Tribunal will enforce only a legally protected right. It has been stated time and again that in the matter of transfer there is no legal right in an employee, and that it is for the employer to decide where an employee should be posted. Unless malafide vitiates the order, it is immune from challenge. (See Union of India Vs. SL Abbas (AIR 1993 SC 2444) and NK Singh Vs. Union of India & Ors (AIR 1995 SC 423)).

3. The application is devoid of any semblance of merit and it is accordingly dismissed. No costs.

Dated the 9th March, 1995



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures :

Annexure A2: A true copy of the Office Order No.MD 27/93 dated 1-3-93 issued by the 1st respondent.

Annexure A 7: A true copy of the letter No.P(S) 535/VIII/I/Vol.II dated 30-1-95 issued by the First respondent.