

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 369/97

Friday this the 25th day of April, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Joy Paul,
Senior Clerk,
Senior Divisional Commercial Manager's Office,
Southern Railway, Trivandrum.
residing at Qr.No.138-E,
Railway Quarters, Ernakulam South. .. Applicant

(By Advocate Mr. V.R. Ramachandran Nair)

Vs.

1. Union of India represented by the
General Manager,
Southern Railway, Madras.3.
2. The Divisional Railway Manager,
Southern Railway, Trivandrum.14.
3. The Senior Divisional Commercial Manager,
Southern Railway, Trivandrum.14.
4. The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum.
5. The Divisional Seceretary,
Southern Railway Employees Sangh,
Sangh Complex, Near Railway Station,
Thampanoor, Trivandrum.1. .. Respondents

(By Advocate Mr. P.A. Mohammed)

The application having been heard on 25.4.1997 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant a Senior Clerk in the
office of the Senior Divisional Commercial Manager,
Southern Railway, Trivandrum is that though the competent
authority has passed an order on 30.4.1996 transferring him
back to the Office of the Area Manager, Ernakulam from

which post he was earlier transferred to Trivandrum the respondents are refusing to relieve him without any justification. It is alleged in the application that the applicant was transferred from the office of the Area Manager, Ernakulam alongwith his post on a temporary basis to Trivandrum, that thereafter on his representation the Divisional Railway Manager issued the order dated 30.4.1996 retransferring him to the Area Manager's office, Ernakulam, that when he approached the Senior Divisional Commercial Manager, Trivandrum for getting relieved he was told that he had to wait a little as two more vacancies in the office remained to be filled up and that even after a long delay he is not being relieved to enable him to join at Ernakulam. The applicant has therefore, filed this application for a direction to respondents 1 to 4 to relieve him forthwith so as to enable him to report for duty before the Area Manager, Ernakulam in accordance with the direction in the order at A-6.

2. On behalf of Respondents 1to4 a reply statement has been filed in which it is contended that though the competent authority had on humanitarian grounds passed the A6 order transferring applicant back to the Office of the Area Manager, Ernakulam since the organised labour represented against the retransfer of the applicant to Ernakulam the matter was kept pending and that therefore it is not now feasible to give effect to A-6 order. It has also been contended that the A-6 order has not been communicated to the applicant.

3. As the matter is quite simple and needs expeditious disposal as also the pleadings being complete, as agreed to

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by the counsel on either side we have decided to dispose of the application at the admission stage. That the competent authority has passed the order A-6 taking into consideration the humanitarian ground is not in dispute. The allegation in the application that the applicant had received a copy of the order Annexure A6 with which he approached the third respondent requesting to relieve and that he was told that he would be relieved shortly has not been controverted in the reply statement. The learned counsel for the applicant produced before us for our perusal a cyclostyled copy of the order at A-6. It is seen from this copy that copy of the same was marked to the different individuals. As the applicant has produced a cyclostyled copy of the order it is not possible to accept the contention that the order was not released to the applicant. The respondents have no case that the Annexure A6 order has been recalled by the competent authority. No document is produced by the respondents to show that a decision has been taken by the competent authority to keep Annexure A6 order in abeyance. The reasons stated for not giving effect to A-6 order is also not proper and convincing. It is curious to note that even in regard to transfer and posting of officials the competent authority has to get the concurrence of the organised labour. We find no justification for the respondents in not giving effect to the order A6 transferring the applicant back to Ernakulam from where he was transferred alongwith his post to Trivandrum.

4. In the result the application is allowed. The respondents are directed to give effect to the order at A6

retransferring the applicant back to Ernakulam and to relieve him forthwith so as to enable him to join at the Area Manager's Office at Ernakulam. The abovesaid directions shall be complied with latest by within a period of fifteen days from the date of receipt of a copy of this order. No order as to costs.

Dated the 25th day of April, 1997.

P. V. Venkatakrishnan

P. V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

A. V. Haridasan

A. V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A6: True copy of the order No.V/P.535/III/OC/ Vol.III dated 30.4.1996 issued by the 4th respondent to the applicant transferring back to the Area Manager's Office, Ernakulam.

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