

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.39/2000

Wednesday this the 22nd day of March, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

O.R.Ravindran, 48 years
S/o Raghavan, Booking Clerk,
Tirur, Southern Railway
residing at Odathil House,
PO Chittilappilly,
Trichur District.

...Applicant

(By advocate Mr. T.C.Govindaswamy)

Vs.

1. Union of India, represented by the Secretary to the Government of India, Ministry of Railway,s New Delhi.
2. The General Manager, Southern Railway, Madras.
3. The Chief Personnel Officer, Southern Railway, Headquarters Office, Madras.3.
4. The Divisional Personnel Officer, Southern Railway, Palghat Division, Palghat.
5. The Vigilance Officer, Southern Railway, Headquarters Office , Park Town PO. Madras.
6. Nelson Johnson Arthur, Parcel Clerk, Southern Railway, Egmore, Madras.

...Respondents

(By Advocate Mrs. Sumati Dandpani (rep.)

The application having been heard on 22.3.2000, the Tribunal on the same day delivered the following:

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O R D E R

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

The challenge in this application is against an order of transfer. This is not an ordinary case of transfer but a transfer from one seniority unit to another on the basis of a decoy check. Aggrieved by the impugned order the applicant who is presently working as a Booking Clerk, Southern Railway, Tirur made a representation to the second respondent General Manager on 11.12.99 which has not been disposed of. Alleging that the transfer from one division to another on the basis of a decoy check is opposed to the norms regarding transfer and is unwarranted and also amounts to harrassment, the applicant has filed this application for having the impugned order set aside. It has been alleged in the application that in view of the letter of the Railway Board dated 6.2.78 (Annexure.A2) before taking a decision to transfer at the instance of vigilance a personal hearing had to be given to the official concerned and that this having been not done the order of transfer is not sustainable.

2. The respondents have filed a detailed reply statement opposing the grant of relief.

3. We have heard the learned counsel on either side. On the basis of the interim order issued by this Tribunal, the applicant has not so far been moved from Tirur. Since the transfer of the applicant is on the basis of a decoy check conducted on 24.7.98 we are of the considered view that the matter may now be decided by the second respondent on the basis of the representation made by the applicant (Annexure.A3).

4. We, therefore, dispose of this application directing the second respondent to consider the representation made by the applicant (Annexure.A3) in the light of the Railway Board Letter dated 6.2.78 and any other instructions on the subject and to give the applicant an appropriate reply as expeditiously as possible. We also direct that till a reply to the representation (A3) as aforesaid is served on the applicant, the applicant shall not be relieved from the present place of posting. There is no order as to costs.

Dated the 22nd day of March, 2000


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of annexures referred to:

Annexure.A2: A true copy of the Letter No.E(NG)II/77/TR/112 dated 6.2.1978 issued by the Railway Board.

Annexure.A3: A true copy of the representation dated 11.12.1999 submitted to the 2nd and 3rd respondents by the applicant.

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