

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No.385/2008

Dated the 14th day of July, 2008

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

Mr.K.C.Mathew,
Chief Commercial Clerk III,
Southern Railway, Trichur.
Permanent Address:Kuunaakkattu
Kallipadam P.O., Shornur.

... Applicant

By Advocate Mr.T.C.G.Swamy

V/s.

- 1 Union of India represented by
The General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O.,Chennai – 3
- 2 The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14.
- 3 The Senior Divisional Commercial Manager,
Southern Railway, Trivandrum Division,
Trivandrum-14.
- 4 The Chief Vigilance Officer,
Southern Railway, Head Quarters Office,
Park Town P.O.,Chennai – 3
- 5 The Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum-14. ... Respondents

By Advocate Mr.Thomas Mathew Nellimoottil

This application having been heard on 14th July, 2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

The applicant is aggrieved by the impugned order dated 20.6.2008 transferring him from Trichur to Alleppey. Against the said



transfer order, the applicant has sent a representation to the respondents on 30.6.2008 stating that he is not in a position to stay away from home due to some family problem. However, he has expressed his willingness to join at Ernakulam, if he is posted there. The submission of the Applicant's counsel is that he shall not be compelled to join at Allappee till his aforesaid representation is disposed of by the respondents.

2 The contention of the learned counsel for the applicant, Ms Heera is that there was no exigency of service warranting the applicant's transfer before he has completed four years at the place of present posting and, therefore, it was in ultra-vires of Annexure A2 and A3 orders of the Railway Board. According to the Annexure A 2 instructions, "Railway employees holding sensitive posts and frequently come into contact with public and or contractors/suppliers are required to be transferred every four years. For this purposes, while some of the posts were identified as sensitive by the Board, Railway Administrations were free to add to the list of sensitive posts." In terms of Annexure A-3 order, periodical transfer, as far as possible, shall be made without involving change of residence of the staff concerned. According to the applicant's counsel, the said practice is followed in Trivandrum Division. She has also submitted that the wife of the Applicant is employed as Teacher in a Government School in a village near Shornur, his eldest son is studying for the Engineering degree course at Kothamangalam and his second son is in plus two. Since the applicant is to travel from Shornur for his duties, the transfer to a far of place would result in unsettling his children's education.

3 The respondents counsel Shri Thomas Mathew Nellimoottil



submitted that there is no genuine grievance of the applicant as he is only transferred from Trichur to Alleppey on administrative ground..

4 In my considered opinion, the ground taken by the applicant is not valid. The representation contained in the Annexure A-2 and A-3 orders are regarding compulsory posting and transfers of officers holding sensitive post after every four years. There is no directions or orders not to transfer an employee on administrative ground before the four years tenure. Further, it is seen that the applicant was transferred on 20.6.2008 and he send the Annexure A-4 letter only on 30.6.2008. The only reason given by the applicant in the said letter is that he was not in a position to stay away from his home due to his family problems. Transfers are not made subject to the family problems of an employee but is made on administrative exigencies and in public interest. It is for the respondent department to take suitable decisions in such matters and the Tribunal is not justified in interfering in such cases. I, therefore, do not find any merit in this OA and it is dismissed. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp