

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
 WEDNESDAY, DAY THE FIFTEENTH DAY OF March,
 ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN
 AND
 THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

ORIGINAL APPLICATION NO. 194 OF 1989

BETWEEN:-

ABRAHAM POCHAI A H

Applicants

AND

1) DIVISIONAL RAILWAY MANAGER
 (PERSONNEL) (84/82),
 SOUTH CENTRAL RAILWAY,
 SECUNDERABAD. Respondents

2) SENIOR DIVISIONAL RAILWAY
 MECHANICAL ENGINEER (D),
 SOUTH CENTRAL RAILWAY,
 SECUNDERABAD.

Respondents

ORIGINAL APPLICATION NO. 194 of 1989

The applicant herein is the Shunter (driver) in Sanathnagar Office, South Central Railways, Secunderabad. He states that he applied for voluntary retirement as his health did not permit him to discharge his duty as Shunter driver. The order No.CM 226 L dated 23.9.1988 issued by the Senior Divisional Railway Mechanical Engineer (D), SCR., Secunderabad (2nd respondent) states that the applicant had been transferred on administrative grounds as he was involved in a coal theft case. In order to relieve the applicant of his liability of theft, applicant's superior had entertained the application for voluntary retirement. The 2nd respondent had advised that applicant's request for voluntary retirement would only be considered after effecting his transfer and his being relieved of his duty immediately. The applicant appears to treat this order as rejection of his request for voluntary retirement and states that it is arbitrary and illegal. By way of interim direction, the applicant seeks stay of the operation of the order dated 23.9.1988 and also seeks a direction to the respondents to retire him voluntarily.

2. We have heard the learned counsel for the applicant and Shri P. Venkatarama Reddy, Standing Counsel for Railways.

3. It is clear from the record before us that the applicant is involved in a criminal case i.e., theft of coal

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and the same is pending disposal. The applicant states that he is suffering from skin disease and, therefore, he is unable to carry out the transfer order. It ~~is~~ ^{now} open to the applicant to apply ^{for} leave on medical grounds as per rules after getting himself examined by the Railway Doctor. The applicant has not done so and instead he has come to this Tribunal directly questioning the transfer order in the guise of asking for a mandamus to compel the concerned authority to accept his voluntary retirement.

4. We see no merit in this application and the same is accordingly dismissed. There will be no order as to costs.

Dictated in the open court.

B. Jayasimha
(B. N. Jayasimha)
Vice Chairman

D. S. Rao
(D. Surya Rao)
Member (J)

S. Venk
DEPUTY REGISTRAR (J)
23/3/89

Dated 15th day of March 1989

MDJ*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

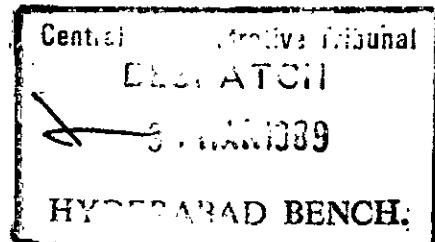
HON'BLE MR. B. N. JAYA SIMHA : (J. C.)
AND
HON'BLE MR. D. SURYA RAO : (M) (JUDG.)
HON'BLE MR. D. K. CHAKRAVERTY : (M) (ADMIN.)

DATED : 15th March 1989

ORDER/JUDGMENT

F.A./D.A. 194 of 1989.
(L.P.)

Dismissing without
costs.



Day