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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH; AT HYDERABAD
O.A.NO. 7 OF 1991

Date of Order: 02/01/1991

BETWEEN:

1. B.Ram Reddy
2. B.Sunita Saxena

.....Applicants

and

1. Chief Personnel Officer, SCR, Sec'bad.
2. Chief Medical Officer, SCR, Sec'bad.
3. General Manager, SCR, Sec'bad.
4. Government of India, rep. by Secretary,
Ministry of Railways, Rail Bhavan, New Delhi.

.....Respondents

APPEARANCE:

FOR APPLICANTS: Shri V.Rama Rao, Advocate

FOR RESPONDENTS: Shri Jalli Siddaiah,
Addl. Standing Counsel for Railways.

C O R A M:

HON'BLE SHRI D.SURYA RAO: MEMBER (JUDICIAL)

HON'BLE SHRI R.BALASUBRAMANIAN: MEMBER (ADMN)

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(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO: MEMBER(J)

1. The applicants herein who are husband and wife are doctors working in the Railways. Their grievance is that they were both appointed in the year 1982 as Assistant Medical Officers in South Central Railway, that between October 1982 till to date they have received as many as 8 transfer orders which is against the transfer policies of the Railways. Thereafter, on 6-11-1990 one more transfer order was issued transferring them from Lalguda/Secunderabad division to Hubli Division. In this application, they have questioned the transfer order no.P.GAZ/675/MD/JS/IV, dated 6-11-1990 issued by the

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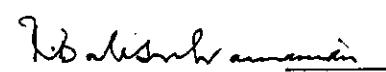
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1st respondent, as being contrary to the transfer policies in the Railways in that a railway employee including those working in the Medical Department should be retained normally for a period of four years in the post/posts to which they have been transferred earlier. ~~They also seek to assail the transfer order as being arbitrary and discriminatory.~~

2. We have heard Shri P. Rama Rao, learned counsel for the applicants and Shri J. Siddaiah, Addl. Standing Counsel for the Railways, who has taken notice at the stage of admission on our direction.

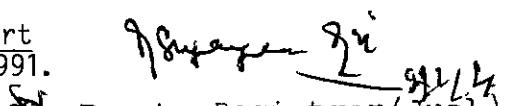
3. Shri Siddaiah contends that the application is premature in that both the applicants have made representations on 30-11-1990 to the General Manager advertizing to the very same facts as are now put-forth in the present application. He contends that even before the disposal of the representations by the General Manager, the applicants have rushed to this Tribunal. Shri Rama Rao, on the other hand, contends that the representations of the applicants to the General Manager have not at all been forwarded to the General Manager and therefore they have been compelled to approach the Tribunal. On a consideration of these facts and circumstances, we are of the opinion that the main application can be disposed of at the stage of admission with a direction to the General Manager to dispose of the representations dated 30-11-1990 after giving them a personal hearing as prayed for by them. In the event of the representations not having been forwarded to the General Manager, it is directed that the same should be forwarded to the General Manager within one week from the date of receipt of this order. The applicants shall not be transferred and are directed to be retained in their present posts till one week after receipt of the final orders of the General Manager by them. The application is accordingly disposed of. No costs.


(D. SURYA RAO)
Member(Jud1)


(R. BALASUBRAMANIAN)
Member(Admn)

Dictated in Open Court
Dated: 2nd January, 1991.

SQH*


Deputy Registrar(Jud1)

To

1. The Chief Personnel Officer, S.C.Rly.Secunderabad.
2. The Chief Medical Officer, S.C.Rly, Secunderabad.
3. The General Manager, S.C.Rlys, Secunderabad.
4. The Secretary, Govt.of India,
Ministry of Railways, Rail Bhavan, New Delhi.
5. One copy to Mr.v.Rama Rao, Advocate
3-6-779 14 street, Himayatnagar, Hyderabad.
6. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd Bench.
7. One spare copy.

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