

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.953/92

15.2.1993 Date of Judgement: 15.2.1993

BETWEEN:

S.Seetha Ramamma

.. Applicant.

A N D

1. The Sr. Divisional Commercial Supdt..
S.C.Railway, Vijayawada.

2. The Divisional Personnel
Officer, S.C.Railway,
Vijayawada.

3. Sr. Divisional Personnel
Officer, S.C.Railway,
Vijayawada.

4. The Station Superintendent,
Vijayawada Station,
Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.C.VenkatamalluReddy

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

-- *T. C. Reddy*

Judgement of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member(judl.).

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to quash the order passed by the respondents changing the nature of duties of the applicant from that of a passenger water woman to that of a luggage porter and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief, are as follows:-

2. The applicant was originally appointed as a Sanitary Sweeper in the Medical Department of Railways on 7.6.1979. On 17.1.1990 the applicant was transferred to the Commercial Department as a Waterwoman. On the report of the Platform Inspector, the Senior Divisional Commercial Manager had issued letter No.B/C/Sr.DCS/WW/92 dated 17.9.1992 to SS(G)BZA to transfer the applicant to the original post of Hamal at Parcel Office. In pursuance of the letter, the Platform Inspector issued relief memo to the applicant on 18.9.1992 and the applicant was asked to report to SS(G)BZA for further posting. The action of the Senior Divisional Commercial Manager seeking transfer of the applicant to the post of Hamal at Parcel Office is questioned by the applicant in this O.A. on the ground of malafide and the applicant had sought the relief as indicated above.

3. Counter is filed by the respondents opposing this
O.A.

4. In the counter of the respondents it is maintained that the applicant's work as Platform Water woman was not at all satisfactory and the Platform Inspector, Vijayawada was

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per his letter dated 1.9.1992 for unsatisfactory work of the applicant recommended her transfer and in view of the said letter only that the necessary action is sought to be taken as against the applicant.

5. We have heard Mr.G.V.Subba Rao, Advocate for the applicant and Mr.C.Venkata malla Reddy, Standing Counsel for the respondents.

6. One of the arguments raised by the learned counsel for the applicant is that it was not open for the Divisional Commercial Superintendent to change the duties of the applicant by transferring her from the post of Platform Water Woman to that of Hamal, which post of Hamal requires the duties of carrying head loads which the applicant is not in a position to perform on account of weak health and the said order changing duties passed by the Divisional Commercial Superintendent is not valid. The Senior Divisional Commercial Manager is the Administrative Officer under whose control the applicant is working. The Senior Divisional Commercial Manager issued orders and the Personnel Branch was intimated. As the Senior Divisional Commercial Manager is incharge of administration, in our opinion he has got power to transfer the applicant from the post of Platform Waterwoman to that of Hamal as both the posts are of the same cadre. So, we are not prepared to agree the contention of the learned counsel for the applicant that the said order passed by the Senior Divisional Commercial Manager transferring the applicant from the post of Platform Waterwoman to the post of Hamal is not valid. It may be pointed out here that Hamal, Luggage Porter, Waiting Room Attendant, Retiring Room Attendant and Waterman are one cadre posts. So, as all the posts belong to one cadre in the interests of Administration, in our opinion the Senior Divisional Commercial Manager has got power to change and assign duties to all employees working in the said posts.

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To

1. The Sr. Divisional Commercial Superintendent,
S.C.Railway, Vijayawada.
2. The Divisional Personnel Officer,
S.C .Railway, Vijayawada.
3. The Sr. Divisional Personnel Officer,
S.C.Railway, Vijayawada.
4. The Station Superintendent, Vijayawada Station,
Vijayawada.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.C.Venkata malla Reddy,SC for Rlys CAT.Hyd.
7. One spare copy.

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It is contended that the whole background for transferring the applicant from the post of Waterwoman to that of Hamal is the request made by the applicant to post her as Waiting Room Attendant and the representation put to the higher authorities and to post her as Hamal. The record discloses that the applicant is not sincere in discharging her duties as Platform Waterwoman. As a matter of fact the Platform Inspector had sent report as against the applicant with regard to the unsatisfactory work of the applicant as Platform Waterwoman. So, it may not be proper to attribute any malafide ^{in the} to transfer the applicant from the post of Water Woman to that of Hamal in view of the circumstances of the case.

7. The learned counsel for the applicant strongly contended that the post of Hamal requires a person with sound health and able body and that the applicant herein is having poor health due to the tubectomy operation she had undergone in the year 1989 and by carrying heavy head loads that her health may be affected. In view of the contentions of the learned counsel for the applicant, the respondents may consider to assign such duties only to the applicant which she could perform without her health being effected in any way due to the discharge of her official duties. We see no merits in this case and this O.A. is liable to be dismissed and accordingly dismissed. The parties shall bear their own costs.

The status quo order dt. 30.10.92 passed by this Tribunal stands vacated in view of the dismissal of the O.A.

T - C - J - M
(T.CHANDRASEKHARA REDDY)
Member(judl.)

Dated 15 February, 1993

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Deputy Regd. St. No. 10