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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 457/96

Dated: 7/10/96

Between

Venkat Narsaiah .. Applicant

and

1. The Divisional Railway Manager,
Personal Branch,
S.C. Railway, Hyderabad.

2. The Senior Divisional
Electrical Engineer,
S.C. Railway, Hyderabad Dn.
Secunderabad.

3. Station Supdt.,
South Central Railway,
Adilabad.

4. Junior Electrical Engineer,
South Central Railway,
Purna, Maharashtra State.

5. Sabeh Kashinath,
Jr. Electrical Engineer,
S.C. Railway, Purna,
Maharashtra State. ... Respondents

Mr. B. Sudhakar Reddy .. Counsel for applicant

Mr. N.V. Raina .. Standing Counsel for
Railways

CORAM

Hon'ble Shri H.Rajendra Prasad, Member (Admn.)

J U D G E M E N T

(Order as per Hon'ble Shri H.Rajendra Prasad, Member (A)

1. The applicant in this case is aggrieved by the order issued by the Divisional Railway Manager, Hyderabad Division, transferring him from Adilabad to Purna while retaining Respondent-5 at the former station in supersession of an earlier

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order posting the said Respondent to Purna.

1.1 The applicant was promoted to Steam-Man, Grade III on 6.11.1986 and had been functioning as such till 1995 when, owing to changes and upgradation in technology, steam engines were phased out of use, necessitating redeployment of staff rendered surplus in the process. On 12.1.1996, he was posted as TLF III at Adilabad. The applicant joined the said post in compliance with those orders. On 23.1.1996, these orders were cancelled and the applicant was posted to Purna while retaining Respondent No. 2 at Adilabad in the place of the applicant. On 7.2.1996, these orders were amended again and the earlier postings--viz., applicant to Adilabad and Respondent No. 5 to Purna--were restored. On 29.3.1996, the postings were once again changed whereby applicant was reposted to Purna and Respondent No. 5 was retained at Adilabad. This last order is the impugned order.

1.2 The applicant feels unsettled by these frequent orders. He has also certain problems, like for example, his children's schooling and the health of his aged parent. He complains that the retention of Respondent 5 at Adilabad is unfair since he had already spent more than a decade at that place, and that his posting has been frequently changed only to favour the said respondent.

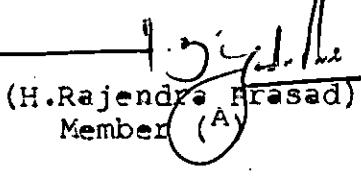
2. Based on the above pleas, the applicant prays for setting aside the orders of his transfer from Adilabad to Purna and for a direction to the Respondents to retain him at Adilabad.

3. The Respondents in their reply statement explain that the redeployment of staff rendered surplus depends on the availability of suitable posts and not on their own choice or option. Respondent No.5, who had applied for a transfer from

Adilabad to Purna in February, 1988, subsequently withdrew the request in November, 1990, citing personal difficulties. However, while the original request was duly recorded, the later withdrawal was not, which resulted in his posting to Purna. On discovering the omission, the orders posting him to Purna were cancelled and he was ordered to be retained at Adilabad. They explain that the applicant, being a surplus staff, has no right to claim a particular post or station, and has to function from any place where a suitable post is available to accommodate him. It is stated that they have merely rectified an inadvertant mistake of not taking note of the subsequent withdrawal of original request made by Respondent-5, and that no special favour was shown to him, nor was the applicant particularly discriminated against. It is a case of adjusting regular staff and surplus officials in the best manner possible subject to administrative exigencies and availability of suitable posts to utilise their services.

4. Transfers and posting are routine exigencies of an official's professional career and the concerned authorities are best suited to examine all requests and changes on the basis of the work requirements and suitability of workers. The applicant was rendered surplus owing to changes in technology, and the required changes and adjustments were made in pursuance of a clearly evolved policy. And even though, the retention of Respondent No.5 at Adilabad and the applicant's own posting to Purna appears apparently ^{to be} ~~and specifically~~ discriminatory, there is nothing basically objectionable in the impugned orders. This is not a case where the Tribunal should intervene. It is to be hoped that the request and preference of the applicant shall receive due consideration by the authorities at the earliest appropriate opportunity.

O.A. is disallowed. No costs.


(H. Rajendra Prasad)
Member (A)

To

1. The Divisional Railway Manager,
Personal Branch, SC Rly, Hyderabad.
2. The Senior Divisional Electrical Engineer,
SC Rly, Hyderabad Division,
Secunderabad.
3. The Station Superintendent,
S.C.Rly, Adilabad.
4. The Junior Electrical Engineer,
SC Rly, Purna, Maharashtra State.
5. One copy to Mr. B. Sudhakar Reddy, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, SC for Rlys CAT.Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G.CHAUDHARI,
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 7 - 10 - 1996

ORDER / JUDGMENT

M.A/R.A./C.A. No.

in
O.A.No. 657/96

T.A.No.

(w.p.)

Admitted and Interim Directions

Issued.

disallowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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No Spare copy

केन्द्रीय प्रशासनिक अधिकारण

Central Administrative Tribunal

DEEPAK/DEEPATCH

11 OCT 1996

HYDERABAD BENCH