

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00057/2018

Monday, this the 23rd day of July, 2018

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

Prasad P.,
Aged 53 years, S/o. Kochupappu,
Office Superintendent, CCRC Office, Kollam,
Southern Railway, Trivandrum Division,
Residing at Kizhakkevila Veedu, Pullichira P.O.,
Mayyanad, Kollam. **Applicant**

(By Advocate – M/s. Varkey & Martin)

V e r s u s

- 1 Union of India,
Represented by the General Manager,
South Railway, Park Town,
Chennai – 600 003.
- 2 The Senior Divisional Electrical Engineer,
Southern Railway, Trivandrum Division,
Trivandrum – 691 014.
- 3 The Senior Divisional Personnel Officer,
South Railway, Trivandrum Division,
Trivandrum – 14. **Respondents**

(By Advocate – Mr. Sunil Jacob Jose)

This Original Application having been heard on 23.07.2018, the
Tribunal on the same day delivered the following:

O R D E R (Oral)

Per: E.K. Bharat Bhushan, Administrative Member

1. Heard Shri. Martin G. Thottan on behalf of the applicant and

Shri. Sunil Jacob Jose, Learned Standing Counsel for the Railways.

2. The applicant is aggrieved on two fronts. Firstly, he is working in the Electrical Department and is now attached to the Mechanical Department, where according to him prospects for further advancement in career are limited. Secondly, he has been transferred from Kollam to Nagercoil, an unsettling move considering that he is a medically de-categorized employee.

3. Shri. Martin G. Thottan, on behalf of the applicant, submits that the applicant has been shifted in violation of Rule 1310 of the Indian Railway Establishment Manual.

4. Shri. Sunil Jacob Jose, on behalf of respondent organization, submits that the transfer had been necessitated due to administrative reasons brought on by the retirement of the Office Superintendent posted at Nagercoil. In order to post a replacement, it is necessary to move the applicant to the said station. He further submits that the applicant had not exhausted the departmental remedies available to him, in the sense, no representation whatsoever against the transfer, highlighting Annexures A3/A4, has been made before the respondents.

5. We feel that the OA can be disposed of with a direction to the applicant to make a comprehensive representation to the 3rd respondent within a week on receipt of copy of this order. Ordered accordingly.

Thereupon, Respondent No. 3 will expeditiously consider and dispose of the said representation. The applicant is not to be displaced from his present place/cadre until his representation to be filed is disposed of.

6. OA is disposed of. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

Yd

List of Annexures of the Applicant

Annexure A-1 - True copy of the Office Order 04/2007/Elec/MIN dated 17.01.2017.

Annexure A-2 - True copy of the Office order No. 15/2017/Elect./MIN dated 31.03.2017 issued by the third respondent.

Annexure A-3 - True copy of the office order bearing No. 04/2018/C&W(M) dated 17.01.2018 issued by the third respondent.

Annexure A-4 - True copy of the office order No. 38/2017/C&W(M) dated 29.10.2017 issued by the third respondent.

Annexure A-5 - True copy of the medical certificate issued by the Railway Hospital, Chennai.

Annexure A-6 - True copy of the medical certificate issued by the ENT Surgeon of Holy Cross Hospital Kottayam.

Annexure A-7 - True copy of the Office Memorandum bearing No. V/P 524/VI/Fix of Pay / Vol. VIII dated 05.05.2015 issued by the third respondent.

List of Annexures of the Respondents

Nil.
