

**Central Administrative Tribunal
Madras Bench**

MA/310/00200/2018 in OA/310/00287/2018

Dated Wednesday the 11th day of April Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

K.Sekar
Loco Pilot (Goods),
Villupuram, Trichy Division,
Southern Railway,
Villupuram. .. Applicant

By Advocate **Mr.K.Manickaraj**

Vs.

1. Shri R.K.Kulshrestha,
The General Manager,
Southern Railway, Park Town,
Chennai 600 003.
2. Smt. Sunitha Vedantam,
Principal Chief Personnel Officer,
Southern Railway, Park Town,
Chennai 600 003.
3. Shri P.Uday Kumar Reddy,
Divisional Railway Manager,
Trichy Division, Southern Railway,
Trichirappalli.
4. Shri R.Saravanan,
Senior Divisional Mechanical Engineer,
Trichy Division, Southern Railway,
Trichirappalli. .. Respondents

By Advocete **Mr.P.Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard the learned counsel for the applicant. It is submitted that the applicant was transferred from Tiruchirapalli to Thiruvananthapuram on temporary basis. This Tribunal, by order dated 27.2.2018 permitted the applicant to make a representation to the competent authority against the impugned transfer order dated 09.2.2018 on personal grounds within a period of one week from the date of receipt of a copy of the order. On receipt of such representation, the competent authority was directed to take a decision in accordance with the transfer policy, keeping in view the personal situation of the applicant and pass appropriate orders within a period of four weeks thereafter. Till such time, status-quo with regard to the applicant was directed to be maintained. The grievance of the applicant is that the applicant has not been paid salary for three months and he has not been allowed to join duty at the place from where he has been transferred.

2. Mr.P.Srinivasan takes notice for the respondents.

3. On perusal, it is seen that the applicant had only been permitted to make a representation to the competent authority which he did the next day after the date of the order of this Tribunal, ie., on 28.2.2018. It appears that the representation has not been disposed of by the competent authority. It is not the applicant's contention that the applicant is being forced to join at the place of transfer. The applicant has prayed for execution of the order whereas in the order passed by the

Divisional Railway Manager (DRM) dated 09.2.2018 it was explicitly stated as follows:-

“Knowing pretty well about the relieving order and its contents as admitted in your representation you have not intimated the fact to the Hon'ble Tribunal. On the day of passing the order dated 17.1.2018 you were under deemed relief to TVC Division and hence the order of the Hon'ble Tribunal to maintain status-quo has been maintained. Hence, the revised temporary transfer order dated 11.1.2018 stands good. You are hereby directed to report to TVC Division.”

4. In the order dated 27.2.2018 of this Tribunal, the aforesaid order of the DRM dated 09.2.2018 had not been set aside. The applicant had only been permitted to make a representation on personal ground and it was for the competent higher authority to take a view. There is nothing for execution in this except that the competent authority had to pass orders on his representation dated 28.2.2018 within 4 weeks thereafter which has allegedly been not complied with. Accordingly, the MA is disposed of with a direction to the competent authority to pass appropriate orders forthwith if not already done.

(R.Ramanujam)
Member(A)
11.04.2018

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