

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/01462/2018

DATED THIS THE 08TH DAY OF JANUARY, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

Sri K. Ravichandran, 52 years,
S/o Late Sri. R. Krishnamurthy Rao,
Occn: Deputy Chief Engineer (Construction)
Office of Chief Administrative Officer,
SWR, 18, Miller's Road,
Cantonment
Bengaluru : 560 001

.....Applicant

(By Advocate Shri P.A. Kulkarni)

Vs.

1. General Manager
South Western Railway,
Gadag Road, Hubballi: 580 023

2. Principal Chief Personnel Officer,
South Western Railway Headquarters,
Rail Soudha, Hubballi: 580 020

3. Chief Administrative Officer,
SWR, 18, Miller's Road,
Cantonment, Bengaluru : 560 001

4. Sri Satyajeet Harne,
Deputy Chief Engineer (TM)
SWR, Yeshwanthapura,
Bengaluru: 560 022

5. Principal Chief Engineer
SWR Headquarters
Rail Soudha,
Hubballi – 580 020

....Respondents

(By Shri N. Amaresh, Counsel for the Respondents)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The applicant challenges his transfer from Cantonment to Yeshwanthpur on the ground that 4th respondent is also in a similar situation to him and if the Railways prefers 4th respondent to him that must be for a *malafide* reason.

2. The respondents produces Annexure-R2 which we quote:

“M.K.GUPTA

MEMBER ENGINEERING, RAILWAY BOARD
&
EX-OFFICIO SECRETARY
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS,
RAIL BHAVAN, NEW DELHI-110 001.

DO No. ME/Cadre Planning/2018/01

Dated 13th July, 2018

My dear Gupta,

Sub: Inter-change of officers between Open-line and Construction Organisation

For overall development of a Civil Engineer, it is necessary that he must have experience of working in Open-Line as well as Construction organisation. However, it has been noticed that the officers working in Open-line are not being posted in Construction Organisation and vice-versa.

In view of the above, it is desired that the officer working in Open-line for more than three years and having residual service of more than three years should be transferred to Construction Organisation and vice-versa.

This exercise should be completed within one month.

With Best wishes,

Yours Sincerely

(M K Gupta)

Shri.A.K.Gupta,
General Manager,
South Western Railway,
Hubli.

Copy for information and necessary action to the Principal Chief Engineer & Chief Administrative Officer (Construction), South Western Railway, Hubli.”

Therefore, the Railways have made a policy decision that officers working in open line must be able to hold duties in construction also and vice versa and therefore in compliance with the superior authority's orders this has been done. Therefore, *prima facie* it appears that the transfer is legitimate and right.

3. At this point of time, Shri P.A. Kulkarni, learned counsel for the applicant, points out that there are several others in similar situation and have not been transferred out. This is a very valid ground. These people also must be transferred out. Those who are working in the construction organization must be transferred out to open line and those who are working in open line must be transferred out to construction organization as per policy.

4. Therefore, we deem that the transfer is correct but with a rider that others in equivalent circumstances must also be transferred out within the next two months in compliance with the superior authority's orders.

5. The OA is disposed off as above. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/01462/2018

Annexure A-1: Copy of transfer policy for railway officers notified on 31.08.2015

Annexure A-2: Copy of the transfer order dated 08.08.2017 of applicant

Annexure A-3: Copy of the relieving order dated 31.08.2017

Annexure A-4: Copy of the joining report dated 31.08.2017 of the applicant

Annexure A-5: Copy of R4's promotion and posting order dated 05.01.2018

Annexure A-6: Copy of the impugned transfer order dated 11.09.2018

Annexures with reply statement

Annexure R-1: Copy of the Office order dated 17.09.2012

Annexure R-2: Copy of the letter dated 13.07.2018

Annexures with rejoinder

Annexure RJ-1: Copy of the table showing list of officers working in construction organization for more than 3 years as Dy. CE

Annexure RJ-2: Copy of the table showing list of Dy.CEs having more than 3 years continuous service in open line organization

Annexure RJ-3: Copy of the letter dated 18.09.2018

Annexures with additional rejoinder

Annexure RRJ-1: Copy of the extract of Railway Service Conduct Rule, 1966
