

**Central Administrative Tribunal
Ernakulam Bench**

OA/180/00890/2018

Tuesday, this the 26th day of March, 2019.

CORAM

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

Hon'ble Mr. Ashish Kalia, Judicial Member

M.V.Cherian, aged 56 years
S/o Varghese Eapen
Chief Loco Inspector/Southern Railway/
Palakkad Division.
Residing at "Madackal Kripa Bhavan"
Sreedurga Nagar, Kallekulangara P.O.
Palakkad-678 009.

Applicant

[Advocate: Mr.T.C.Govindaswamy]

versus

1. Union of India represented by
The General Manager, Southern Railway
Headquarters office, Park Town P.O.
Chennai-600 003.
2. The Sr. Divisional Electrical Engineer/Operations
Southern Railway, Palakkad Division
Palakkad-678 002.
3. The Additional Divisional Railway Manager
Southern Railway, Palakkad Division
Palakkad-678 002..
4. The Divisional Personnel Officer
Southern Railway, Palghat Division
Palghat-678 002.
5. Sri Santhosh Kumar S.
Chief Loco Inspector
Southern Railway, Calicut Railway Station
Calicut.
6. Sri Padmanabhan
Senior Divisional Electrical Engineer/Operations
Southern Railway, Palakkad Division
Palakkad-678 002.

Respondents

[Advocate: Mr. Thomas Mathew Nellimoottil, Sr.PCGC]

The OA having been heard on 26th March, 2019, this Tribunal delivered the following order on the same day:

ORDER (oral)

By E.K.Bharat Bhushan, Administrative Member

The applicant who is presently working as Chief Loco Inspector at Headquarters' office of Palaghat Division was transferred by the 4th respondent to Mangalore Junction. This has put the applicant in great distress. It is stated that the applicant is on regular treatment in the Oncology Department of the AIMS for a cancer related disease, which requires frequent hospital visit. From the reply statement, we understand that once the respondents got to know about the applicant's health condition, they have sympathetically considered his case and accommodated him at CCRC/O/PGT (Chief Crew Controller, Palakkad). This redresses the grievance the applicant has put forward and we feel that the OA can be disposed of by directing the 4th respondent to retain the applicant at Palakkad. We do so. If at all there is any transfer of the applicant out of the present station, the applicant will be free to approach this Tribunal for redressal of his grievance. OA stands disposed of.

[Ashish Kalia]
Judicial Member

[E.K.Bharat Bhushan]
Administrative Member

Annexures filed by the applicant:

- Annexure A1: Copy of office order bearing No.J/PR.33/2018 dated 17.10.2018 issued from the office of the 4th respondent.
- Annexure A2: Copy of Discharge Summary issued by the Amrita Cancer Institute of the AIMS.
- Annexure A3: Copy of the Diary containing the applicant's treatment history in the Railway Hospital for the period from 31 August 2010 to 30 July 2018.
- Annexure A4: Copy of the certificate issued by the Professor, Medical Oncology & Hematology Department of AIMS, Edappally.
- Annexure A5: Copy of Certificate of Merit dated 18.5.2017 issued by the Chief Electrical Engineer/HQ/Chennai.
- Annexure A6: Copy of Certificate of Merit dated April 2010 issued by the Chief Mechanical Engineer/HQ/Chennai.
- Annexure A7: Copy of Railway Record indicating the treatment of the applicant.
- Annexure A8: Copy of "Fit Certificate" bearing No.524994 dated 11 Oct 2018.
- Annexure A9: Copy of Sick Certificate dated 22.10.2018 issued by the Sr. Divisional Medical officer, southern Railway, Palakkad.
- Annexure A10: Copy of Diary indicating the treatment of the applicant.
- Annexure A11: Copy of detailed representation addressed to the 3rd respondent, dated 22.10.2018.
- Annexure A12: Copy of Medical Records indicating the treatment of the applicant's daughter at Jubilee Mission Hospital at Trichur.

Annexure filed by the respondents:

- Annexure R1: Copy of order dated 14.11.2018.
