

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00377/2018

Monday, this the 3rd day of June, 2019

C O R A M :

**HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER**

Jayesh.T.J.,
S/o.Thulasidas (late),
Senior Booking Clerk,
Southern Railway/Trivandrum Central Railway Station.
Permanent Address : Chaitram, Chilakoor,
Varkala P.O., Trivandrum District – 695 141.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

v e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
2. The Chief Commercial Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
3. The Chief Vigilance Officer,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
4. The Senior Divisional Commercial Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
5. The Chief Personnel Officer,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 600 003.
6. The Chief Booking Supervisor,
Southern Railway, Trivandrum Central Railway Station,
Booking Office, Trivandrum – 695 014.

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7. The Divisional Railway Manager,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.

...Respondents

(By Advocate Mr.Sunil Jacob Jose)

This application having been heard on 3rd June 2019, the Tribunal on the same day delivered the following :

ORDER (O R A L)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Learned counsel for the applicant and Standing Counsel for the Railways were heard. The applicant in this case, who was working as a Senior Booking Clerk in Level-5 at the Trivandrum Central Railway Station Booking Office, had contested his transfer to Tiruchirapalli Division on the basis of the endorsement made by the 6th respondent in the Muster Roll stating that he is being transferred on vigilance ground. The prayers sought in the O.A are as follows :

1. Call for the records leading to the issue of Annexure A-1 and quash the same.
2. Call for the records leading to the applicant's transfer from Trivandrum Division to Tiruchirappalli Division and quash the same.
3. Call for the records leading to the issue of Annexure A-5 and Annexure A-6 and quash the same.
4. Direct the respondents to allow the applicant to continue in Trivandrum Division as if the applicant has not been transferred by virtue of the impugned orders.
5. Award costs of and incidental to this application.
6. Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

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2. Learned counsel for the applicant submitted that after the filing of the O.A, the applicant has been transferred to Palakkad Division instead of Tiruchirappalli Division and thereby Relief No.4 ie., seeking a transfer to a nearby station, meets part of his demand. Learned counsel for the applicant further submitted that a disciplinary proceedings has already initiated against the applicant and he will be satisfied if the proceedings are completed on an early date and in the event he is found innocent, he may be considered for transfer to Trivandrum itself.

3. In the light of the facts and circumstances of this case as discussed above, we dispose of the O.A by directing the 2nd respondent to ensure completion of the disciplinary action initiated against the applicant as expeditiously as possible and in any case within a period of three months from the date of receipt of a copy of this order and in the event the applicant is found not guilty of the charges, he is to be considered for accommodation in Trivandrum Division itself. There shall be no order as to costs.

(Dated this the 3rd day of June 2019)

ASHISH KALIA
JUDICIAL MEMBER

E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER

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List of Annexures in O.A.No.180/00377/2018

- 1. Annexure A-1** – Copy of the Endorsement made by the 6th respondent in the Muster Roll of Trivandrum Central Railway Station Booking Office for the month of April 2018.
 - 2. Annexure A-2** – Copy of the Master Circular No.24 dated 22nd September 2011 as downloaded from the website of the respondent railways.
 - 3. Annexure A-3** – Copy of the Railway Board Order bearing RBE No.17/2012 dated 3.2.2012 circulated by the South East Central Railway as per letter bearing No.P/HQ/Ruling/Transfer/42/5980 dated 7.6.2012.
 - 4. Annexure A-4** – A copy of the representation dated 27.4.2018 addressed to the 5th respondent.
 - 5. Annexure A-5** – A copy of the Office Order No.12/2018/CC dated 30.4.2018 issued by the Senior Divisional Personnel Officer.
 - 6. Annexure A-6** – A copy of the Office Order bearing No.P(S)676/III/IDAT/CC dated 14.6.2018 issued from the office of the 5th respondent.
 - 7. Annexure R-1** – A copy of the order No.V/P.676/III/IDT/IRT/Vol.XV(Pt.1).
 - 8. Annexure R-2** – A copy of the letter No.E(NG)I-98/TR/11 dated 2.11.1998.
 - 9. Annexure R-3** – A copy of the Railway Board Order RBE No.251 of 1998 dated 2.11.1998.
 - 10. Annexure R-4** – A copy of the Office Order No.32/2018 dated 14.6.2018.
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