

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00129/2019

Dated Wednesday the 6th day of February Two Thousand Nineteen

CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)

Bishwajit Kumar
Station Master
Atthipattu Rly. Station
Chennai Division

By Advocate M/s Ratio Legis

VS

1. Union of India rep. by
The General Manager
Southern Railway
Chennai 600 003.

2. The General Manager Eastern Railway New Delhi.

3. The Divisional Railway Manager (P)
Chennai Division, Southern Railway
Chennai.

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

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records related to the transfer application of the applicant for a request transfer to Malda or Howrah division of Eastern Railway and to direct the respondents to do the necessary to process the application and to effect transfer within a time frame with seniority from the date of registration and to quash the impugned order M/P. 353/CC/OA 1359/2018 dated 26.11.2018 and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. Learned counsel for the applicant submits that the applicant's request for transfer out of division has not been considered favourably citing vacancies as the reason for not granting the request. The applicant is not at fault for the large number of vacancies that exist in his present division. Further, if and when the vacancies are filled, the applicant's request would presumably be considered thereafter. However in the meantime, persons from other divisions seeking Inter Railway transfer to another railway zone, would get seniority over the applicant though the applicant's request may have preceded the same. Also, if the vacancies in the other division get filled up in the meantime, the process would get further delayed. The persons who are appointed on regular posts in that division would also become senior to the applicant although he had made the request already and was waiting. In such situation, the respondents are not justified in refusing to forward his application for transfer to the other division, it is contended.

3. We have considered the matter. There are large number of cases of this

nature pending before this Tribunal. In many of them, request transfer had already been agreed to but the persons concerned had not been relieved citing vacancies as the reason. A solution to this problem appear to lie in an appropriate policy decision by the Railway Board to protect the seniority of persons making such request.

4. Learned counsel for applicant would submit that the applicant has not impleaded the Railway Board in this case which alone is competent to take a policy decision in the matter. Accordingly, the applicant wishes to withdraw the OA with liberty to file a fresh OA impleading the competent authority and seeking an appropriate direction.

5. Keeping in view the above, the OA is permitted to be & dismissed as withdrawn with liberty to file a fresh OA.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

06.02.2019

SKSI