

**Central Administrative Tribunal
Madras Bench**

OA 310/01649/2018

Dated Wednesday the 19th day of December Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)**

N. Alamelu

Working as Track Maintainer, Gr. III

SSE/P.Way/CHSM Section

Gang No. 5, Asakalathur.

.. Applicant

By Advocate **M/s. P. Ulaganathan**

Vs.

1. Union of India rep. by
The General Manager
Southern Railway
Park Town, Chennai 600 003.
2. The Chief Personnel Officer
Headquarters Office, Southern Railway
Park Town, Chennai 600 003.
3. The Divisional Personnel Officer
DRM Office, Southern Railway
Salem – 636 005.
4. Assistant Divisional Engineer
Southern Railway, Attur
Salem Division, Salem.
5. Senior Section Engineer
P.Way, CHSM
Salem Division, Southern Railway

.. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“a. To call for the records on the file of the 4th respondent in connection with the Office Order No. ADEN/ATU/002/2018/CHSM dated 07.11.2018 and quash the same in so far it relates to applicant concerned as illegal;

b. to direct the respondents to order the posting of the applicant at Gang on his promotion to TM Gr II to Gang No. 6, as per his own request;

c. or pass any other order or direction or grant any other relief, in the circumstances of the case and thus render justice.”

2. It is submitted that the applicant had been found fit for promotion from Track Maintainer Gr. III in Level-2 of pay matrix to the post of Track Maintainer Gr.II in Level-4 of pay matrix in terms of Annexure A3 order dated 18.09.2018. The applicant had opted to be posted in Gang No. 6 which was included in Annexure A5 proposal to the competent authority dated 18.09.2018. However, subsequently Annexure A9 order dated 07.11.2018 came to be issued in which the applicant had not been accommodated in the gang he opted for.

3. Learned counsel for the applicant would submit that in terms of the order dated 10.06.2014 of the Railway Board in respect of the implementation of the Hon'ble Apex Court judgment dated 31.10.2013 in WP (C)82/2011, Placement and Transfers Committees had to be constituted to consider transfer/posting of all Railway Servants. It is alleged that the respondents did not place the matter before

the Placement committee and took an arbitrary decision not to accommodate the applicant in the gang of his choice. Accordingly, the applicant had made Annexure A10 representation dated 10.11.2018 in this regard which is still pending.

4. Mr. P. Srinivasan takes notice for the respondents and submits that the 'Placement Committee Procedure' is meant only for lateral transfers. As the applicant was being promoted to a higher post, he had no right to be included in a particular gang. It is for the competent authority to consider the matter and take a decision based on public interest.

5. We have considered the matter. At this stage as Annexure A10 representation is pending, without going into the substantive merits of the case, we deem it appropriate to direct the respondents to consider the representation of the applicant in accordance with law and pass an appropriate order within a period of two weeks from the date of receipt of copy of this order. At the request of the learned counsel for the applicant, status quo is directed to be maintained in the mean time which in fact would mean that the applicant's promotion would be delayed till the disposal of his representation.

6. OA is disposed of in the above terms.

(P. Madhavan)
Member (J)

19.12.2018

(R. Ramanujam)
Member (A)

AS