

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1619/2018

Dated Monday, the 10th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

V.S.Venkateswaran,
Pointsman A/Manamadurai,
Southern Railway, Madurai Division.

...Applicant

By Advocate M/s Ratio Legis

Vs.

1. Union of India, rep., by
the General Manager, Southern Railway,
Park Town, Chennai 600 003.
2. The Sr. Divisional Operations Manager,
Southern Railway, Madurai Division.
3. The Divisional Personnel Officer,
Southern Railway, Madurai Division,
Madurai.

...Respondents

By Advocate Mr.P.Srinivasan

(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:

"To call for the records related to the impugned order of transfer Order No.O.O.No.84/2018/II/Tfc.Gr.C & D dated 09.08.2018 passed by the 3rd respondent and the impugned order disposing the OA No.1122/2018 prepared by the 3rd respondent and signed by the 2nd respondent No.U/P 353/OA/1122/18 dated 27.11.2018 and to quash the same declaring the transfer to Kadambur as punitive and to direct the respondents to retain the applicant at Manamadurai and to pass such other order/orders as this Hon'ble Tribunal may deem fit and proper and thus to render justice."

2. It is submitted that this is the second round of litigation in the matter. Earlier, the matter was considered in OA 1122/2018 which was disposed of by the order of this Tribunal dated 23.08.2018 directing the competent authority to see if the requisite procedure was followed in issuing the impugned transfer order and also consider other grounds stated in the representation in accordance with law and pass a reasoned and speaking order. Annexure A-6 impugned order dated 27.11.2018 has come to be passed in pursuance thereof aggrieved by which the applicant is before us.
3. Learned counsel for the applicant would allege that the statement in the impugned order to the effect that the matter was placed before the Placement Committee and the applicant had only been transferred on the recommendations of the Committee is not correct. The applicant had reasons to believe that relevant facts were not placed before the Placement Committee and the latter might have approved the proposal in a perfunctory manner. As such, the relevant records in this connection may be called and examined by the Tribunal and in the mean time the applicant be allowed to continue on his present post, it is urged.

4. Mr.P.Srinivasan, Senior standing counsel for Railways, takes notice on behalf of the respondents.

5. We have considered the matter. It appears from Annexure A-6 disposal of the representation of the applicant in terms of the order of this Tribunal in OA 1122/2018 that the applicant's case had been considered by the Placement Committee and his transfer order had only been issued in terms of the recommendations of such Committee. We are accordingly not inclined to interfere in the matter. However, if the applicant has reasons to suspect that the matter had not been placed before the Placement Committee along with true facts or that the Placement Committee had not applied its mind, he is at liberty to obtain relevant information under the Right to Information Act to satisfy himself that due procedure had been followed. In the event of a prima facie case being made out, based on such information, he could approach the Tribunal at that stage, if so advised. In the mean time, the applicant might have no option but to join the post at the new place, if necessary under protest.

6. OA is disposed of at the admission stage.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

10.12.2018

M.T.