

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Friday 12th day of July Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)
THE HON'BLE MR. T. JACOB, MEMBER(A)

OA.310/884/2019

K. Thirumalai Murugan,
S/o. S.P. Kuthalanathan,
Aged about 57 years,
No. J-3, 2nd Floor,
B-2, Block, Sri Mahalakshmi Apartments,
No.1, Secretariat Colony,
Adamabakkam,
Chennai- 600 088.

...Applicant

(By Advocate: Mr. S.Ramaswamyrajarajan)

Versus

Union of India Rep. by

1. The Comptroller and Auditor General of India,
Pocket-9, Deenadayalu Upadhyaya Marg,
New Delhi- 110 124;
2. The Principal Director of Audit,
Southern Railway,
Chennai- 600 003;
3. The Director/WST,
O/o. the Principal Director of Audit,
Southern Railway,
Perambur,
Chennai- 600 023;
4. Senior Audit Officer,
O/o. the Principal Director of Audit/Construction,
Southern Railway,
Chennai- 600 008.

...Respondents

(By Advocate:)

48/1

ORAL ORDER

[Pronounced by Hon'ble Mr. P. Madhavan, Member (J)]

Heard Counsel for the applicant.

2 This OA has been filed by the applicant seeking the following reliefs:-

"i. To set aside the impugned transfer Order No. O.O./No.64 dated 03.07.2019 passed by the 2nd respondent only in respect of the applicant leaving the others therein;

ii. to direct the respondents to retain the applicant at his present place of posting i.e construction wing, Egmore, Chennai till his superannuation.

iii. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case with costs."

3. The grievance of the applicant is that while he has been working as Assistant Accounts Officer, the 2nd respondent had issued an advise/caution letter for the lapses committed by the applicant in the performance of his duties and, immediately, he was transferred to Salem Division by the 2nd respondent by an order dated 3.7.2019 without mentioning any reason for the said transfer and also without giving him any time to put forth his grievance and directing him to relieve on 05.07.2019 itself. Aggrieved by the same, applicant filed the instant OA seeking the aforesaid relief.

4. Learned counsel for the applicant submits that the applicant is left with less than three years of service and transfer was issued without mentioning any reason and without giving him any time to put forth his grievance to the authorities. It is further submitted that the transfer order had been issued in between the academic year and was issued in an illegal and arbitrary manner, therefore, the same has to be quashed and set aside.

5. No representation for the respondents.

6. The learned counsel for the applicant submits that applicant would be satisfied if liberty is granted to the applicant to file a detailed representation within a time frame with regard to his grievance to competent authority and the same is directed to be disposed of by the authorities in accordance with rules within a time frame to be set by the Tribunal and till then stay may granted in the impugned order.

7. In view of the limited relief sought by the applicant, the OA is disposed of at admission stage **by directing the applicant to join duty immediately and file a detailed representation with regard to his grievance within a period of one week from today to the competent authority and upon receipt of such representation, the competent authority is directed to dispose of the same within a period of two weeks from the date of receipt of such representation.** Status quo as on today shall be maintained in respect of the impugned order till disposal of the representation of the applicant, in case the applicant is not relieved as yet.

8. The OA is disposed of accordingly at the admission without going into the substantive merits of the case.