

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Wednesday 29th day of August Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)
THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

O.A./310/01158/2018

K.M. Babu,
Sr. Technician/C&W,
Erode,
Southern Railway,
Salem Division.

.....Applicant

(By Advocate : M/s. Ratio Legis)

VS.

1. Union of India Rep. by:
The General Manager
Southern Railway,
Park Town, Chennai;

2. Sr. Divisional Mechanical Engineer/ C&W
Southern Railway,
Salem Division,
Sooramangalam,
Salem;

3. The Divisional Personnel Officer,
Southern Railway,
Soormangalam Post,
Salem.

... ..Respondents

(By Advocate: Mr. P. Srinivasan)

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 impugned order of transfer Order No. O.O.No. 104/Mech/C&W/2018 dated 16.08.2018 passed by the 3rd respondent and to quash the same declaring the transfer to 'Coonoor' as punitive and to direct the respondents to retain the applicant at Erode."

2. It is submitted that the applicant was transferred to 'Coonoor' from 'Erode' by order dated 16.08.2018. He made Annexure-A/2 representation seeking to be retained at 'Erode' on which a decision was taken in his favour and an Office Order dated 27.08.2018 was issued retaining him at the same station. However, on the same day, in the evening, another order was passed withdrawing the order passed in the morning and the applicant is being forced now to join at 'Coonoor'. The flip flop on the part of the authorities has driven the applicant to file this OA. It is also alleged that the respondents had not placed the proposal of transfer before the Placement Committee before issuing the transfer order.

3. Mr. P. Srinivasan, Ld. Standing Counsel takes notice on behalf of the respondents.

4. On perusal, it is seen that Annexure-A/2 representation of the applicant has not been decided by a reasoned and speaking order. Perhaps, it was not considered necessary, as a favourable decision was taken to retain the applicant at the same station and an order was passed accordingly.

However, if such decision is sought to be reversed, it is for the respondents to justify the action and pass a reasoned and speaking order on the applicant's representation.

5. In view of the above, the respondents are directed to pass a reasoned and speaking order on Annexure-A/2 representation of the applicant within a period of three weeks from the date of receipt of copy of this order. Status quo with regard to transfer of the applicant shall be maintained in the meantime.

6. OA is disposed of as above. No costs.