CENTRAL ADMINISTRATIVE TRIBUNAL

CHENNAI BENCH

ORIGINAL APPLICATION No. 310/00336/2019

Dated Thursday ,the 18th day of July, 2019

PRESENT

Hon'ble Mr.P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)

1. P.Thangamariappan
2. S.Nagalingeshwaran
3. M.Partha Sarathy
4. V.Abhilash Chandrasekar
5. B.Jebin Bose
6. I.Karuppasamy
7. A.Arulraj
8. A.Ayysamy
9. Y.Arun Kumar
10. B.Saravanan
11. K.Purushothama Raja
12. D.Barathan
13. K.Harikrishnan
14. G.Vignesh
15. R.Mathan
16. P. Jebakumar
17. M.Prabhu
18. G.Mariganesh   ..Applicants

By Advocate M/s. P. Pandian

Vs

1. The Union of India,
    Represented by the Chairman,
    Railway Board,
    Rail Bhavan, New Delhi- 110 001.

2. The General Manager,
    Southern Railway,
    Park Town, Chennai- 600 003.

3. The Chief Personnel Officer,
    Southern Railway,
    Park Town, Chennai- 600 003.

4. The Divisional Personnel Officer,
    Southern Railway,
    Salem Division, Salem

5. The Divisional Personnel Officer,
    Southern Railway,
    Madurai Division,
    Madurai.   ...Respondents

By Advocate Mr.P.Srinivasan

ORAL ORDER

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

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

> "To call for all records relating to the Inter-Divisional One Way Request Transfer of the Applicants from Salem Division to Madurai Division of Southern Railway and to quash the impugned order No.U/P353/OA 85/18 dated 28.03.2018 passed by the 5th respondent, consequently to :-
> I.   To direct the 4th respondent to relieve the applicants forthwith;
> II.   To direct the 5th respondent to absorb the applicants as and when they are relieved by the 3rd respondent;
> III.   To direct the 5th respondents to initiate any recruitment process to recruit any Direct Recruitment Quota post of Assistant Loco Pilot to Madurai Division only after taking into account the applicants pending requests for Inter-Divisional Railway Transfer are met with; and
> IV.   To direct the 5th respondent to fix the seniority of the applicants on being relieved by the 4th respondent with effect from the date(s) of acceptance and registration of the Transfer Requests by the 5th respondent, and not from the date of actual joining 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 applicants are working as Senior Assistant Loco Pilots in PB-I (5200-20200) with GP 2400 in Salem Division of Southern Railway, having joined the cadre as Assistant Loco Pilots. The learned counsel for the applicants submits that the similar matter was disposed of on 19-06-2019 in OA 751/2019 & batch with the following extract:

> "9. Since it is submitted by the counsel for the applicants that IREC is silent on the above issue and accordingly there is a avoid in this regard in the policy, we deem it appropriate to direct the first respondent to consider the concern raised in the OAs as a policy issue and take an appropriate decision on whether and if so, how the

interests of such transferred employees should be protected in regard to their seniority at least from the date from which they were approved for IRT, if they could not be relieved soon thereafter in public interest. Such policy decision may be taken and orders issued within a period of six months from the date of receipt of a copy of this order.
10. OAs are disposed of as above. No costs".

3.   The learned counsel for the applicants would be satisfied if the similar order is passed with the direction to the 1ˢᵗ Respondent to consider the matter in accordance with law and the facts of their case and pass a reasoned and speaking order within a time limit to be stipulated by this Tribunal.

4.   Taking into consideration the above submission, the OA is disposed of with the same direction as this Bench had passed in OA 751/2019 and batch.

(T.Jacob)   (P.Madhavan)
Member(A)   18.07.2019   Member(J)
SV