

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/548/2019

Date of Order: 26.06.2019

Between:

K. Prem Sudhakar, S/o Late K. Samuel
Aged 34 years, Occ: Tech-I, Gr. 'C'
O/o Sr. Section Engineer (Train Lighting)
D.No.Railway Quarters No.578/L Wynchipet
Vijayawada – AP.

.... Applicant

AND

1. Union of India, Represented by
The General Manager
South Central Railway, Rail Nilayam
Secunderabad – AP.
2. The Divisional Railway Manager
South Central Railway, Vijayawada Division
Vijayawada – AP.
3. The Sr. Divisional Personnel Offider
South Central Railway, Vijayawada Division
Vijayawada – AP.
4. The Sr. Divisional Electrical Engineer (Maintenance) and
South Central Railway, Vijayawada Division
Vijayawada – AP.
5. The Sr. Section Engineer Train Lighting Depot/BZA
South Central Railway, Vijayawada Division
Vijayawada – AP.

... Respondents

Counsel for the Applicant ... Mr. B. Rajesh Kumar.

Counsel for the Respondents ... Mr.M.Brahma Reddy,
Addl. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed challenging the transfer order issued to the applicant .
3. Applicant working for the respondents organisation as Tech-I was transferred from Vijayawada to Narsapur on administrative grounds though he is the principal officer bearer of the SC & ST Employees Association, violating the Railway Board's letter dated 5.3.1999 and 1st respondent's letter No.103/99. The representation dated 14.5.2019 submitted by the applicant is pending with the respondents and is not being disposed. Hence, the OA.
4. The main contentions of the applicant are that his transfer is against Railway Board's orders and that of the 1st respondent. Being an officer bearer of the SC & ST Employees Association, he enjoys certain immunity in regard to transfer. Respondents need to dispose of his representation.
5. Heard the learned counsel for the respondents. There was no representation on behalf of the applicant.
6. I) The grievance of the applicant is in regard to transfer. Applicant claims that only General Manager is the competent authority to effect transfer of the applicant and not the Senior Divisional Electrical Engineer. Transfer can be affected in exigencies of service. The fact that he is

the principal office bearer of the SC/ST association has been ignored while ordering the transfer. The transfer is penal in nature and it would adversely affect his seniority. Applicant cited certain Supreme Court judgments, in support of his contentions. Respondents have not followed their own orders in effecting the transfer. Stating the above, applicant has requested the respondents to dispose of his representation made on 14.5.2019, but the same is not being done, pleads for an appropriate direction from the Tribunal to the respondents.

II) In view of the above, respondents are directed to dispose of the representation of the applicant, referred to hereinbefore, by applying relevant rules and issue of a speaking and well reasoned order, within two weeks from the date of receipt of a copy of this order.

7. With the above directions the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 26th day of June, 2019

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