

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

Original Application No.21/214/2017

Date of Order: 07.06.2019

Between:

M.A. Raheem, S/o. late Abdul Azeem M.A.,
Aged about 52 years, Occ: Office Superintendent,
Railway Consumer Depot (RCD),
Vikarabad Station,
South Central Railway.

... Applicant

And

1. Union of India,
Rep. by its General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.
2. The Divisional Railway Manager (BG),
South Central Railway, Sanchalan Bhavan,
Secunderabad.
3. The Senior Divisional mechanical Engineer,
(Coordination), South Central Railway,
Sanchalan Bhavan,
Secunderabad Division, Secunderabad.

... Respondents

Counsel for the Applicant ... Dr.A. Raghu Kumar

Counsel for the Respondents ... Mrs.A P. Lakshmi, SC for Rlys

CORAM:

Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicant was working as a Goods Guard in the Railways. He is said to have been medically decategorized and appointed as Officer Superintendent (Mechanical). It is stated that he was transferred from Hyderabad to Ramagundam on 25.03.2015 and on a request made by him, he was transferred to Vikarabad through order dt. 07.12.2015.

2. The respondents issued an order dt. 20.12.2016 transferring the applicant from Vikarabad to Bellampally. This OA is filed challenging the order of transfer dt. 20.12.2016. The applicant contends that his transfer from Ramagundam itself was on request, and without even ensuring that the period of minimum tenure of three years is completed, he has been transferred to a distant place. Health grounds are also pleaded.

3. The respondents filed counter affidavit opposing the OA. It is stated that the transfer of the applicant was necessitated on account of the complaints received against him. It is also stated that while ordering transfer, it was ensured that the applicant is not subjected to any physical strain during the discharge of his duties.

4. We heard Mr. B. Pavan Kumar, learned proxy counsel representing the learned counsel for the applicant and Mrs. A.P. Lakshmi, learned standing counsel for the respondents.

5. The principal ground urged by the applicant is that he has been transferred within one year from the date of earlier transfer. If one takes into account, the fact that the transfer from Ramagundam was on request, his transfer within one year thereafter does not reflect fairness. However, if the administration has received any complaints as to the nature of the discharge of the functions of the applicant, it is always open for them to effect transfer.

6. Apart from the transfer order, there is an order dated 7.02.2017 which mentions that the complaints have been received as regards the discharge of duties by the applicant.

7. Be that as it may, the main grievance of the applicant is that he did not have the benefit of the stay of three years from the date of transfer from Ramagundam and it has virtually become redundant on account of the passage of time during the pendency of the OA. On the strength of the interim order passed in the OA, he has been continuing at the same station. By now, he has completed 4 years of stay.

8. We, therefore, dispose of the OA leaving it open to the respondents to pass fresh order of transfer, taking into account, the present state of affairs. Needless to mention that the applicant shall not be entitled to press the grounds of minimum stay or of health, on such transfer being made. The interim order shall stand vacated. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 7th day of June, 2019

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