

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00136/2019

DATED THIS THE 14TH DAY OF AUGUST, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

B. Kannan
S/o Late M. Brook
Aged 51 years
Senior Section Engineer (S&T)
South Western Railway
Yeshwanthpur, Bangalore Division
(By Advocate Shri K. Shivakumar)

..... Applicant

Vs.

1. Union of India,
Represented by General Manager
South Western Railway, Hubli 580 020

2. Principal Chief Personnel Officer,
South Western Railway, Hubli 580 020

3. Senior Divisional Personnel Officer,
South Western Railway,
Bangalore 560 023

....Respondents

(By Shri N. Amaresh, Counsel for the Respondents)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The applicant submits that on 31.12.2018 the headquarters had given control of Section Engineers and Senior Section Engineers to the Divisions. Shri N. Amaresh, learned counsel for the respondents, would counter it by saying that that was a first stage of action and now the second stage would be calling for options so that people can be adjusted accordingly. therefore, he would say that the letter issued by the headquarters on 31.12.2018 is only opening statement and nothing more though the consequential action is being taken even now this is not a completed transaction.

2. Shri N. Amaresh, learned counsel for the respondents, would say that applicant had completed 28 years of service in Bangalore area. Apparently they found that his services can be better utilized at Hubli. The reasons for it we need not go in detail even though Shri Amaresh had explained it. Shri Shivakumar, learned counsel for the applicant, would point out to certain awards received by the applicant in the past. Shri Amaresh would counter it by saying that it had been long long back and of late the work level of the applicant is not satisfactory and that is why he had to be removed. However, we do not want to comment on that aspect of the matter. Apparently for

administrative reasons applicant had been transferred and there does not seem to be any malafides lying intent in that transfer. It seems to be an ordinary transfer only despite the proposal for decentralization it does not seem to be involved in malafides or mal-intentions. Therefore, we uphold the transfer order of the applicant.

3. At this point of time, Shri Shivakumar would submit that the headquarters may not have the power to transfer. That is not correct. Even if a decentralization order had been passed and it is fully given to the division, which is not the case here, even then the headquarters being the superior authority can pass an order above that of the division without any doubt.

4. The OA is dismissed. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

Annexures referred to by the applicant in OA No. 170/00136/2019

Annexure A1 Copy of the Office Order dated 15.06.2011

Annexure A2	Copy of the office order dated 26.07.2013
Annexure A3	Copy of the office order dated 30.11.2017
Annexure A4	Copy of the memorandum dated 31.12.2018
Annexure A5	Copy of the office order dated 28.01.2019
Annexure A6	Copy of the office order No. 28/19 dated 28.01.2019
Annexure A7	Copy of the representation dated 01.02.2019

Annexures referred in reply statement

Annexure R1	Copy of the memorandum dated 31.12.2018
Annexure R2	Copy of the memorandum date 08.02.2019

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