

(2022) 05 CAT CK 0061

In the Central Administrative Tribunal

Case No : Original Application No. 180, 00258 Of 2022

S. Harsha Krishnan

APPELLANT

Vs

Additional Divisional Railway Manager, Southern Railway,
Thiruvananthapuram Division, Thiruvananthapuram ? 691
014 & Others

RESPONDENT

Date of Decision : 31-05-2022

Acts Referred:

Citation : (2022) 05 CAT CK 0061

Hon'ble Judges : K.V. Eapen, Member A

Bench : Single Bench

Advocate : R. Sreeraj, O. M. Shalina

Final Decision : Disposed Of

Judgement

K.V. Eapen, Member A

1. This Original Application has been filed by the applicant seeking the following reliefs:

“(1) Quash Annexure A-1 to the extent it relates to the applicant

(2) Direct the respondents to permit the applicant to continue to work either at Kochuveli Booking Office or accommodate her against a vacancy at Thiruvananthapuram Booking Office.

(3) Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant.

(4) Grant the cost of this Original Application.

2. The brief facts of the case are as follows:

It is submitted by the applicant that she is working as a Chief Commercial Clerk, Southern Railway, Kochuveli and is aggrieved by Annexure A1 transfer order. She submits that it is an 'unnecessary' transfer as her name was not in the alert list

for transfer and she had not requested for the transfer as she was due for promotion in another 6 months and will be liable to transfer again. Hence, being aggrieved she approached this Tribunal.

3. When the matter came up for consideration before this Tribunal again today, Counsel for the applicant represented by Adv. Mr. Martin G. Thottan submits that the applicant had joined Kochuveli only in June 2021 and thus, has not completed even the required tenure before the transfer order was issued. He reiterates that the applicant had not submitted any request for transfer outside because she was under the impression that her tenure in Kochuveli was not completed. Adv. Ms. O. M. Shalina, SCGSC who had taken notice on behalf of the respondents submits that there was no request submitted by the applicant to remain at Kochuveli pending for consideration by the respondents before the Transfer Order at Annexure A1 was issued. She submits that the transfer of the applicant from Kochuveli to Aluva was required administratively, as Aluva is a crucial station for the Railways and therefore there is requirement of personnel there. Further, the transfer liability on the applicant exist within the Trivandrum Division. However, the counsel for the applicant submits that the applicant is now prepared to give a representation to the respondents which can be directed for their consideration.

4. After hearing both sides, this Tribunal directs the applicant to submit a representation to the competent authority among the respondents within a period of one week from today. The respondents are directed to consider the representation and take a decision on the request made by the applicant in the representation within a period of one week after receipt of the same. Till then, the orders of status quo passed with respect to the applicant on 26.5.2022 shall be maintained.

5. The Original Application is disposed of as above without going into the merits of the matter. No costs.