
(2014) 01 KL CK 0034
In the High Court Of Kerala
Case No : W.P. (C) No. 3815 of 2007

Union of India

APPELLANT

Vs

C.S. Sudhir Kumar

RESPONDENT

Date of Decision : 28-01-2014

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2014) 01 KL CK 0034

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : James Kurian, SC, Railways, Advocate for the Appellant; K.M. Firoz, Smt. M. Shajna and Sri. Renjith B. Marar, Advocates for R1, Sri. P. Parameswaran Nair, ASG of India and Sri. John Varghese, Assistant SG for R3, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—The Railway establishment challenges an order of the Central Administrative Tribunal. The respondent while working in Cochin Harbour Terminus was allotted a railway Quarter in the Mattanchery Halt area within the Cochin Harbour limits. He was transferred to Vaikom Road Station in September, 1996. He retained the Mattanchery Halt quarters and joined Vaikom Road Railway Station only on 30.07.1997, i.e., 11 months after his order of transfer. He was thereafter transferred to Edappally Station. He joined that station on the very next day. He continued to occupy the quarters in Mattanchery Halt. The Railway imposed penal rates for recovery of rent etc. as regards that quarter.

2. We have heard the learned counsel for the establishment quite in extenso. We have also heard the learned counsel for the employee. There is nothing to show that any disciplinary action was taken on account of non joining duty in Vaikom Road Station on transfer from Cochin Harbour Terminus. There is also nothing on record to show that the employee was allotted a quarter either in Vaikom Road or

in Edappally Stations to which he was transferred, till ultimately he was given one in Edappally following which he vacated the quarter at Mattanchery Halt and shifted the family to Edappally on the very next day. This being the factual situation we see that the directions issued by the Tribunal in paragraph 16 of the impugned Ext. P5 order are well in consonance with justice and nothing warrants interference with it at the instance of the establishment in exercise of authority by the High Court under Article 227 of the Constitution of India. The writ petition therefore fails, and the same is accordingly dismissed.