

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&**

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

OP (CAT).No. 26 of 2015 (Z)

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AGAINST THE ORDER/JUDGMENT IN OA 180/2014 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED**

PETITIONER(S):

- 1. SENIOR DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY,
PALAKKAD DIVISION, DIVISIONAL OFFICER, PALAKKAD.**
- 2. DIVISIONAL PERSONNEL OFFICER, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION, DIVISIONAL OFFICER,
TRIVANDRUM - 14**
- 3. CHIEF PERSONNEL OFFICER, SOUTHERN RAILWAY,
HEADQUARTERS OFFICER, PARK TOWN (P.O), CHENNAI -3**
- 4. UNION OF INDIA, REPRESENTED THROUGH THE GENERAL MANAGER,
SOUTHERN RAILWAY, PARK TOWN (PO), CHANNAI -3**

BY ADV. SRI.TOJAN J.VATHIKULAM,SC,RAILWAYS

RESPONDENT(S):

- 1. RAMESH P.,
STATION MASTER, NAGERCOIL JUNCTION RAILWAY STATION,
SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
RESIDING AT "RAGAM", T.C.50/837 (1), PULIYARATHOPPU,
KALADY, KARAMANA P.O., THIRUVANANTHAPURAM - 695 002.**
- 2. D.DAYANANDAN, STATION MASTER,
ERNAKULAM JUNCTION RAILWAY STATION, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION , RESIDING AT "ANAKKALICHIRA"
NORTH AYYAD POST, ALAPPUZHA - 688 542.**
- 3. C.BINU, STATION MASTER,
ALAPPUZHA RAILWAY STATION, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION, RESIDING AT "REMYA" PUNNAKKULAM,
K.S.PURAM POST, KARUNAGAPPALLY, KOLLAM - 690 544.**
- 4. P.PADMAKUMAR, STATION MASTER,
NAGERCOIL JUNCTION RAILWAY STATION, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION, RESIDING AT "HARIVIHAR",
T.C.10.2137, KANJIRAMPARA P.O.,
THIRUVANANTHAPURAM - 695 030.**

5. S.SREERAJ, STATION MASTER,
VARKALA RAILWAY STATION, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION, RESIDING AT "RAJVILAS",
NILA NAGAR, OLAVAKKODE, PALAKKAD - 678 002.
6. B.BINUKUMAR, STATION MASTER,
NAGAERCOIL JUNCTION RAILWAY STATION,
SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
RESIDING AT "KRISHNA", KRA 157C, MARUTHUR,
VASHUTHUR , NEYYATTINKARA POST,
THIRUVANANTHAPURAM - 695 121.
7. GOVINDAN NAMBOOTHIRI K.N, STATION MASTER,
PIRAVAM ROAD RAILWAY STATION, SOUTHERN RAILWAY,
TRIVANDRUM DIVISION, RESIDING AT "KOCHOOR ILLAM",
MUTTOM P.O., HARIPAD, ALAPPUZHA - 690 511.

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 24-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DG

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE OA NO.180/00186/2014 FILED BEFORE THE CENTRAL ADMINSTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- P2- TRUE COPY OF THE REPLY STATEMENT IN OA NO. 180/00186/2014 FILED BEFORE THE CRNTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- P3- TRUE COPY OF THE REJOINDER IN OA. NO.180/00186/2014 FILED BY THE APPLICANTS BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- P4- TRUE COPY OF HTE ADDITIONAL REPLY STATEMENT IN OA.NO.180/00186/2014 FILED BEFORE THE CENTRAL ADMINSTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- P5- TRUE COPY OF HTE ORDER OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH 5TH SEPTEMBER 2014 IN OA. NO.180/00186/2014.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
K.HARILAL, JJ.**

O.P.(CAT).No.26 of 2015

Dated this the 24th day of February, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

We have heard the learned counsel for the Railways quite in extenso. We do not see that any injustice visits that establishment as a result of the order of the Tribunal. The applicants, as rightly noted by the Tribunal, were entitled to be relieved from Palakkad Division to join Thiruvananthapuram Division on the basis of Annexure A1 in December, 2012. The Tribunal rightly notices that even during the pendency of the original application before the Tribunal, several dramatic events took place as recorded by the learned Tribunal in paragraph 6 of the impugned order. Ultimately, the Tribunal has concluded that the applicants were eligible to the relief of transfer on the basis of Annexure A1 and, therefore, they are entitled to be placed above any new recruit who may be taken

in the Thiruvananthapuram Division after giving effect to the inter-divisional transfer for which the Thiruvananthapuram Division had acceded to in terms of Annexure A1 of December 2012. We do not see that the Tribunal had committed any error of jurisdiction or illegality in applying the relevant rules to the factual situation in the original application. We see no ground where the Railway establishment has been visited with injustice as a result of the directions of the Tribunal. We see no ground to interfere with the order of the Tribunal in exercise of jurisdiction under Article 227 of the Constitution of India. This original petition, therefore, fails.

In the result, this original petition is dismissed in limine.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(K.HARILAL, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG