IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2025

CORAM

Hon'ble Mr.Justice N.SATHISH KUMAR
and
Hon'ble Mr.Justice M.JOTHIRAMAN

W.P.No.33224 of 2024
and
W.M.P.Nos.36013 of 2024 and 22917 of 2025

1.Union of India,
Ministry of Railways,
rep by its Secretary,
No.1, Rail Bhawan,
Raisina Road,
New Delhi-110 001.

2.The General Manager,
Southern Railway,
Headquarters Office, Park Town,
Chennai-600 003.

3.Principal Financial Advisor,
Southern Railway,
Headquarters Office, Park Town,
Chennai-600 003.

4.Financial Advisor and Chief Accounts Officer,
Office of the FA & CAO/S&W/PER,
Ayanavaram,
Chennai-600 023.

5.Deputy Chief Engineer,
O/o. Dy. CE,
Engineering Workshop,
Arakkonam-631 001.

6.Senior Assistant Financial Advisor (Admin),
Southern Railway,
Headquarters Office, Park Towm,
Chennai-600 003. .. Petitioners

Vs.

1.The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai-104.

2.R.Gowrithanayan .. Respondents

This writ petition has been filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari or any other writ, order or direction calling for the records pertaining to order dated 18.04.2024 passed in Original Application No.1092 of 2023 on the file of the first respondent and quash the same and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.AR.L.Sundaresan,
Additional Solicitor General
assisted by
Mr.A.R.Sakthivel,
Senior Panel Counsel, CGSC

For Respondents : Ms.Y.Kavitha
for M/s.P.V.S.Giridhar Associates for R-2

- - - -

ORDER

(Order of the Court was made by N.SATHISH KUMAR, J.)

Aggrieved over the order of the Central Administrative Tribunal, setting aside the order of transfer dated 09.06.2023 passed by the third petitioner and the subsequent rejection order dated 03.11.2023, the present writ petition has been filed.

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

2.1.The second respondent joined as a Junior Accounts Assistant in the Southern Railway on 19.10.2020 and he was posted as Divisional Accountant in the office of the Deputy Chief Engineer/Engineering Work Shop/Arakkonam on promotion as Senior Section Officer (Accounts) vide office order No.G.179/GA Admn/MAS/2020/061 dated 03.11.2020. The second respondent was posted in the office of Dy.CE/EWS/AJJ from 04.11.2020 to 26.07.2023. Thereafter, he was transferred from Arakkonam and posted in Chennai Division vide office order No.03/2023, dated 14.02.2023 on the ground of administrative requirement. The second respondent has made a representation dated 23.02.2023 before the

Principal Financial Advisor, third petitioner herein requesting him for retaining him in Arakkonam on the ground that his son was suffering from Autism. He placed reliance on the Railway Board's Letter No.E(NG) I-2019/TR/I, dated 30.01.2019. However, this representation was rejected by the third petitioner on 09.03.2023 stating that his transfer order was issued due to acute shortage of Sr.SO(A)s as a policy decision made out of administrative constraints and it does not fall within the category of routine or rotational transfer. The railway board's letter dated 30.01.2019 relied on by the second respondent relates to routine /rotational transfer. Thereafter, another transfer order dated 09.06.2023 was issued on the administrative grounds for transfer of second respondent to S&W/PER. The second respondent was relieved from the office on 31.07.2023.

2.2.After joining the transferred office on 21.08.2023, the second respondent chose not to attend the office and was either on own leave or on sick leave. He has filed O.A.No.814 of 2023 before the Central Administrative Tribunal to set aside the transfer order dated 09.06.2023. The Tribunal has passed an order on 29.09.2023 giving liberty to the second respondent to submit a detailed comprehensive representation relying upon relevant OMs along with earlier representation which was pending for consideration. Pursuant to such liberty granted by the Central Administrative Tribunal, the second respondent has given an another representation dated 04.10.2023 stating that his autistic son is wholly dependent on him for his survival and that he was exempted for transfer based on railway board's letter dated 30.01.2019. It was duly considered and rejected by the third petitioner on 03.11.2023 on various grounds stating that transfer order was issued due to acute shortage of Senior SO(A) in all units/divisions of Accounts Office and a policy decision has been taken due to administrative constraints, whereas the railway board's letter dated 30.01.2019 cited by the second respondent was relating to routine / rotational transfer. Challenging the said order, the another O.A.No.1092 of 2023 was filed before the Tribunal. The Tribunal by order dated 18.04.2024 set aside the transfer order as well as the rejection order. Challenging the same, the present writ petition is filed on various grounds.

2.3.Further, as per the vacancy position as on 01.07.2024, out of 406 sanctioned posts, there are 252 vacancies in which 28 posts are Divisional Accountants and remaining 224 posts are pertaining to Sr.SO(A). Due to withdrawal of Divisional Accountant's post from all executive offices in order to fill up the vacancies in the main stream Accounts office, all the 28 sanctioned posts of Divisional Accountant is found vacant as on 01.07.2024. Apart from the 252 vacancies, there will be another 36 vacancies going to accrue in the end of the next year, i.e., 31.12.2025 on account of superannuation. It is the contention that the transfer order of second respondent issued on 14.02.2023 was intended to fill the vacancies in the Accounts Offices contrary to the claims of the second respondent. The said transfer order was issued for transfer of three other Divisional Accountants along with second respondent. The Railway Board had discussed the justification for the Divisional Accountant positions during the PFAs conference as mentioned in RBA No.03/2023. The transfer order was issued prior to the said conference and the minutes were published on 23.02.2023. The order of transfer is not a routine or rotational exercise to apply the exemption, but it was the decision on administrative grounds to fill up the huge vacancies in the cadre of Sr.SO(A) in various accounts offices and all the Sr.SO(A)s who are working as Divisional Accountants have been withdrawn and posted to accounting units/divisions and hence, the request of the second respondent would not come under the purview of DOPT OM dated 08.10.2018 circulated vide Railway Board RBE No.15/2019 dated 30.01.2019.

2.4.The post of Divisional Accountant is the post available in the Executive Offices primarily to assist the Executive Officers concerned in the Accounts related matters. The role of the Divisional Accountant as envisaged in terms of Para No.1307 of Indian Railway Engineering Code which is as follows:

> 'At the end of every wage month the muster sheets should be closed, the amount of gross wages due to each labourer or work-charged employee should be worked out and the totals struck. The muster sheets so completed should be collected by the supervisor and submitted through the Assistant Engineer to the Executive Engineer with an abstract of all muster sheets submitted for checks and payment. In the office of the Executive Engineer the muster sheets should be checked under the supervision of the Divisional Accountant before they are sent to the Accounts Officer for arranging payment.'

Hence, the Divisional Accountant post in the Executive offices is to assist the Executive officer in the matters relating to payment of wages, contract bills, etc., and after which, said bills have to be submitted to main stream Accounts Office for arranging payment after internal check by the concerned Sr.SO(A) in the Railway Accounts Office. Since all the accounts related works are now being computerized by dispensing the manual maintenance of records and bills, etc., the role of Divisional Accountant has become redundant. Further, all Sr.SO(A)s posted as Divisional Accountants in the Executive offices for assisting Executives have been withdrawn and the said work is being managed by the Head Clerks /

Office Superintendent of the executive offices due to increasing vacancies in the main stream Accounts office.

2.5.Further, the second respondent is residing near Vellore which is 78 kms away from his earlier work spot, namely EWS/AJJ and his residence is far away from the work spot and therefore, the request of the second respondent that he needs to be retained in Arakkonam to enable him to take care of his son is devoid of merit. The second respondent has better facilities, like railway quarters, hospitals and special schools which are available at Chennai for taking care of his son who is suffering from Autism. The transfer of second respondent to the new place would not in any way stand in the way of his taking care of his son.

3.The learned Additional Solicitor General appearing for petitioners submits that the second respondent has joined the Southern Railway as Junior Assistant in the year 2020. Prior to that, he was working in the Integral Coach Factory at Perambur till he was absorbed in the Southern Railways and was working in Arakkonam. The second respondent taking advantage of the Official Memorandum bearing No.E(NG)I-2019/TR/1 dated 30.01.2019, wants to be retained in the same position at Arakkonam. According to learned Additional Solicitor General, the Railway Board's letter relied on by the second respondent relates to rotational transfer and not transfer on account of administrative constraints. Though the OM relied on by the second respondent gives exemption to such employees from routine / rotational transfer, it relates to an employee who serves as main care giver of persons with disabilities but the said OM is subject to administrative constraints.

4.It is the further contention of the learned Additional Solicitor General for writ petitioners that before the second respondent was absorbed in the Southern Railways, he was working permanently in ICF, Perambur and he was absorbed in the Southern Railways only in the year 2020 and before that, he was also able to raise his son who is suffering from autism. Now the second respondent is in senior position and promoted as Sr.SO(Accounts). It is his contention that the order of transfer has been issued purely on the administrative ground considering the huge vacancies in the cadre of Sr.SO(A) in all the units/divisions of accounts office and there are vacancies in the other places. The second respondent has been transferred only to Chennai Division at Perambur which is hardly about 40 minutes travel in the train. Admittedly, the second respondent is residing in Vellore, not even in Arakkonam and he is traveling to Vellore everyday. Having raised his son for all these years and even while working in the ICF, now it cannot be said that he is facing difficulty in taking care of his son who is suffering from Autism. Therefore, the Tribunal without looking at the administrative constraints has passed a mechanical order as if it is a routine transfer and therefore, the order passed by the Tribunal warrants interference.

5.In support of his contentions, the learned Additional Solicitor General has placed before this court case laws of Hon'ble Supreme Court and a decision of Hon'ble division bench of this Court. In ***Shilpi Bose Vs. State of Bihar*** reported in ***1991 Supp (2) SCC 659***, it has been held that there is no vested right to remain posted at one place and when the employees holds a transferable post, they are liable to be transferred from one place to the other. A decision of Hon'ble Supreme Court in ***State of U.P. Vs. Gobardhan Lal*** reported in ***(2004) 11 SCC 402*** has been relied on to say that a challenge to an order of transfer should normally be eschewed and should not be countenanced by the courts or tribunals as though they are appellate authorities over such orders which could assess the niceties of the administrative needs and requirements of the situation concerned and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.

6.The learned Additional Solicitor General has also relied upon the decision of Hon'ble Supreme Court in ***SK.Nausad Rahaman Vs. Union of India*** reported in ***(2022) 12 SCC 1*** with regard to judicial review of the court over the policy decisions. A division bench decision of this Court in W.P.No.15589 of

2024, etc. batch, dated 11.12.2024 was also relied on to say that the Government issuing transfer guidelines is to maintain transparency in the matter of administrative transfers and will not provide any enforceable right to employees and since the transfer is conditions of service, the transfer guidelines do not confer enforceable right to an employee.

7.The learned counsel for the second respondent submitted that the OM dated 08.10.2018 exempts routine exercise of transfer or rotational transfer, however subject to administrative constraints. In the transfer order, except stating that on administrative grounds, the transfer is effected to the second respondent along with others, only in the rejection order dated 03.11.2023, it is elaborated as if there is acute shortage of Sr.SO(A) in all the units and the transfer is out of administrative constraints. Though it is also stated that better medical facilities are available in the place where the second respondent is now posted, according to the learned counsel for second respondent, since the transferred place is situated 137 kms from Vellore, it is very difficult for the second respondent to take care of his son who is suffering from Autism. It is also submitted that even in the letter dated 13.06.2025, the office of the Dy. Chief Engineer indicated that after the transfer of the second respondent from Arakkonam, the post remains vacant till date and costing and accounting work is hampered due to non posting of Sr.SO(A). Therefore, there was an immediate need for posting a Sr.SO(A) to EWS/AJJ. Therefore, the contention that the post is not required has no basis. The learned counsel for the second respondent in support of her contention that the specially abled child should have the care giver father near to him has relied on a decision of the Gauhati High Court dated 23.11.2023 in W.P.(C)No.6714 of 2023 [***Padma Kanta Borah Vs. State of Assam***]. She has also relied on a decision of Hon'ble Division Bench of the Kerala High Court in OP(CAT) No.90 of 2023, dated 14.12.2023 for the above said purpose. The learned counsel has relied on a decision of Allahabad High Court in Writ-A No.8711 of 2025, dated 12.09.2025 [***Santosh Kumar Verma Vs. State of U.P.***] to say that it is not only the medical facilities which are required but also an appropriate environment which is also required to be provided.

8.We have perused the entire materials and considered the submissions made on behalf of both sides.

9.Admittedly, it is not in dispute that the second respondent joined Southern Railway as Junior Assistant on 19.10.2020 and he was posted at Arakkonam on promotion as Sr. Section Officer (Accounts). It is also not disputed that prior to coming to Southern Railways, he was working in ICF for all these years at Perambur. The only contention of the second respondent is that since he is the main care giver of his son who is suffering from Autism, as per the OM issued by the Railway Board letter No.E(NG)I-2019/TR/I dated 30.01.2019, he should not have been transferred on routine exercise of transfer or rotational transfer subject to administrative constraints. The second respondent has been transferred vide proceedings dated 14.02.2023 on the ground of administrative requirement. Later, he was given a representation dated 23.02.2023 which was rejected by the third petitioner on 09.03.2023 on the ground that due to acute shortage of Sr.SO(A), as a policy decision, the transfer has been made out of administrative constraints. On earlier occasion, the Tribunal has granted liberty to the second respondent to give a comprehensive representation which was also given on 04.10.2023 and the same was once again rejected by the authority concerned on 03.11.2023. Therefore, once again, the rejection order as well as the another transfer order dated 09.06.2023 were put in challenge before the Tribunal which was allowed mainly on the ground that the OM bars such transfer, i.e., routine exercise of transfer or rotational transfer. The relevant portion of the OM dated 08.10.2018 is as follows:

> 'Considering that transfer of a Government employee who serves as the main care giver of persons with disability would have a bearing on the systematic rehabilitation of persons with disabilities, the Government issued OM of even number dated June 6, 2014 to exempt such employee from

routine exercise of transfer/rotational transfer, subject to administrative constraints.'

10.A perusal of the above OM makes it very clear that the OM has been issued to exempt an employee from routine exercise of transfer or rotational transfer subject to administrative constraints. It is the stand of the petitioners that the second respondent is in the senior position and there are 252 vacancies in which 28 posts are pertaining to Divisional Accountants and the remaining 224 posts pertains to Sr.SO(A) and there was withdrawal of Divisional Accountant posts from all the executive offices in order to fill up the vacancies in the main stream accounts office. It is their further stand that the nature of the job of the Divisional Accountant posted in the executive offices is only to assist the Executive officers in the matters related to payment of wages, contract bills, etc., and now all accounts related works are being computerised due to dispensing of manual maintenance of records and bills, etc., and the role of Divisional Accountant has now become redundant. All the Sr.SO(A)s working as Divisional Accountants in the executive offices for assisting executives have been withdrawn. As the said work is now managed by the head clerks or office superintendent of the executive offices and due to increasing vacancies in the main stream accounts office, the transfer order has been made based on the administrative constraints.

11.It is relevant to note that the transfer is ordinarily an incidence of service and it must be left to the discretion of the authorities concerned, who are in the best position to assess the necessity and the administrative requirements considering the situations from time to time. The courts must normally maintain judicial restraint in such matters. Though the OM referred to above exempts routine or rotational transfer of an employee, who is a main care giver of the disabled child, the fact remains is that the second respondent joined the Southern Railway only in the year 2020 and prior to that, he was working in the ICF, Perambur and now the present transfer has also been made to the same place, i.e., Perambur. The reason for transfer has been clearly stated that all the Sr.SOs(A) who are working as Divisional Accountants have been withdrawn and posted to Accounting units/divisions as there is acute shortage of Sr.SO(A) in all the units /divisions of the Accounts office. Therefore, when the policy decision is taken by the department, merely on the basis of the OM the second respondent cannot insist that he should be retained in the same place at Arakkonam.

12.Admittedly, the second respondent is residing in Vellore which is far away from Arakkonam which is 78 kms away and as there are frequent train facilities available, one can easily reach the house within an hour from Arakkonam. The present transferred place at Perambur is also situated in 137 kms distance from Vellore and one can easily reach Vellore in a train with maximum 1 hour 45 minutes. Therefore, since the second respondent who had earlier worked in ICF, Perambur and his son now appears to be 24 years old ____ is also brought up by the family members, it cannot be said now that only the second respondent is taking care of his son. When the fact is that second respondent was previously working in Perambur and now taking advantage of the OM, he wants to be retained in Arakkonam which is convenient for him, it cannot be permitted when administrative decision is taken to withdraw the post in view of the digitization and computerization and to fill up the post in the main stream. The decisions relied on by the learned counsel for the second respondent do not help the case of the second respondent and the present transfer has been made due to administrative constraints and it is not a regular or rotational transfer. Further as held by the Hon'ble Supreme Court in catena of decisions, the judicial review over the transfer matters is very limited unless the court finds there is arbitrariness, mala fides and procedural irregularities.

13.This court is of the considered view that the tribunal has mechanically passed the order considering the Official Memorandum and retained the second respondent in the same position which in fact is an interference with the administrative decision. It is also to be noted that even in the relief sought by the second respondent before the Tribunal, he has sought the following reliefs:

> 'In view of the facts mentioned in paragraph 4 above, the applicant humbly prays that this Hon'ble Tribunal may be pleased to call for the entire records relating to the transfer order issued by the 3rd respondent vide O.O.No.G.179/HQA/2023/10 dated 09.06.2023 and rejection Subsequent order No.SR-HQOACCT(GENL)/158/ 2020/19025 dated 03.11.2023 and set aside the same and consequently, direct the respondents to place the applicant in his service at DY.CE/EWS/AJJ till his retirement or at least for a period of 12 months and pass such further or other orders as this Hon'ble Tribunal may deem fit to pass and thus render justice.'

In the aforesaid relief, the second respondent has sought for direction to place him in Arakkonam till his retirement or at least to keep him for a period of 12 months. The said OA has been filed on 17.11.2023 and therefore, the period of 12 months sought for by the second respondent is already over. Now, the second respondent is working in Perambur. Considering the said aspect and considering the well settled legal position that the transfer is an incidence of service and having worked in Perambur all these years, now taking advantage of the OM which relates to routine or rotational transfer and the same is also subject to administrative constraints and on administrative reasons, we are of the view that the order of the tribunal dated 18.04.2024 setting aside the order of transfer dated 09.06.2023 and the subsequent rejection order dated 03.11.2023, requires interference. Accordingly, the order passed by the central administrative tribunal dated 18.04.2024 made in O.A.No.1092 of 2023 is set aside. The writ petition is allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(N.S.K., J.) (M.J.R., J.)

25.11.2025

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order /Non speaking order
vvk

To

The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai-104.

N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

vvk

W.P.No.33224 of 2024
and
W.M.P.Nos.36013 of 2024 and 22917 of 2025

25.11.2025