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WP No. 33762 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 33762 of 2024 and WP No. 5395 of 2025

and

WMP No. 5949 of 2025 and WMP Nos. 36567 & 36568 of 2024

W.P.No.33762 of 2024

S.Saravana Pandian,
S/o.M.Sethu Raman, No. 15/c, Balakrishna
Mudhaliyar Street, Pasumpon Nagar,
Palanganatham, Madurai -625 003.

..Petitioner(s)

Vs

1. Union Of India
Rep. By The General Manager, Southern
Railway, Park Town, Chennai -600003.
2. The Chief Personnel Officer,
Southern Railway, Park Town, Chennai
-600003.
3. The Divisional Personnel Officer,
Madurai Division, Southern Railway, Madurai.
4. The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway, Park
Town, Chennai -600003.
5. M.Peer Mohamed,
S/o. Mohideen Pitchai, Assistant Loco Pilot,
Madurai Division, Southern Railway, No. 9/3-
a, Sikkandar Methar Street, Tenkasi,
Tirunelveli District -627811.
6. The Registrar, Central Administrative Tribunal,
Madras Bench, Chennai -600104.

..Respondent(s)



WP No. 5395 of 2025

1. Union of India rep by
The General Manager, Southern Railway, Park
Town, Chennai 600 003
2. The Chief Personnel Officer
Southern Railway, Park Town, Chennai 600
003.
3. The Divisional Personnel Officer,
Madurai Division, Southern Railway, Madurai
600 003.
4. The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway, Park
Town, Chennai 600 003.

..Petitioner(s)

Vs

1. M Peer Mohamed S o Mohaideen Pitchai
2. S Saravana Pandian
Loco Pilot (Shunter Grade II), Office of the
Chief Crew Controller, Madurai Railway
Junction, Madurai Division, Southern Railway,
Madurai

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the entire records relating to the Impugned Order dated 01.03.2024 made in OA/310/01300/2017 passed by the 6th respondent and quash the same and consequently direct the 3rd respondent not to take any steps to revise the Petitioners seniority pursuance to the show Cause Notice dated 03.07.2024

WP No. 5395 of 2025

Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records relating to the order passed by the Central Administrative Tribunal, Chennai Bench in O.A. No. 1300 of 2017 dated 01.03.2024 quash the same.



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WP No. 33762 of 2



WP No. 33762 of 2024

For Petitioner(s): Mr.L.S.M.Hasan Fizal

For Respondent(s): Mr.K.Srinivasa Murthy for R1 to R4,
Mr.K.Manickaraj for R5,
R6 - Tribunal.

WP No. 5395 of 2025

For Petitioner(s): Mr.L.S.M.Hasan Fizal

For Respondent(s): Mr.K.Manickaraj for R1,
Mr.K.Srinivasa Murthy for R2

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Union of India is the writ petitioner in W.P.No.5395 of 2025. One Mr.S.Saravana Pandian, 5th respondent in the Original Application is the writ petitioner in W.P.No.33762 of 2024. Since the issues are common, both the writ petitions are taken up and the following orders are passed.

2. The case on hand relates to the request transfer from one Division to another Division in Southern Railways. A policy has been introduced by the Southern Railways permitting the employees to secure transfer from one Division to another Division, based on request and on availability of vacancies. Accordingly, procedures are contemplated for registering the request transfer applications. Circular No.90/96 provides Procedure for registration and forwarding applications to other units. Clause 2.7.1 reads as under.

2.7.1 Whenever request for transfer is sought, only such request made in the prescribed format viz., Proforma



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'D' should be entertained in the Personnel Department. Applications when received through proper channel should be registered with the perusal of the Controlling Officer and no registration should be made on applications directly received without the perusal of the departmental head in the unit. No approval is required for such registration. All the transfer requests of a particular category so received should be continuously registered and maintained in one register irrespective of the units to which transfer is sought, indicating the date of application, date of registration and unit to which transfer is sought.

3. Therefore, an employee submitted a request application will be registered based on the date of application and will be considered whenever the vacancy arises and a decision is taken to transfer the employee from one Division to another Division.

4. In the present case, the 1st respondent in W.P.No.5395/2025, Mr.M.Peer Mohamed, working as Assistant Loco Pilot, submitted Proforma-D application for inter Divisional/Railways/Departmental transfer on 11.04.2012. The request transfer application submitted in the prescribed format was received by the competent authority on the same day on 11.04.2012 in the presence of the witness.

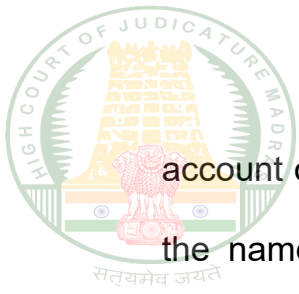
5. The writ petitioner in W.P.No.33762 of 2024 Mr.S.Saravana Pandian filed Proforma-D application seeking request transfer on 22.03.2012. The said



application was also received by the competent authority on the same day in the presence of witnesses. It is apparently clear that Mr.S.Saravana Pandian submitted his application on 22.03.2012 earlier to the request of the application made by Mr.M.Peer Mohamed dated 11.04.2012.

6. However, the procedures prescribed for registration indicates that the date of application, date of registration and unit to which transfer is sought to be taken into consideration. Therefore, based on the date of application, the request transfer applications are to be registered. However, there was a mistake committed by the Establishment in assigning the seniority while registering the request transfer application. The proceedings of the authority dated 24.01.2012 would indicate that Mr.M.Peer Mohamed submitted the request transfer application earlier than Mr.S.Saravana Pandian. However, in the said proceedings , the date of application has not been mentioned. Perusal of the registration of the request transfer application would show that the date of registration for Mr.M.Peer Mohamed as well as Mr.S.Saravana Pandian has been indicated as 24.01.2013 which appears to be an error occurred during the registering of the request transfer applications. The request transfer applications are to be registered, based on the date of receipt of application by the competent authority.

7. In the present case, Mr.S.Saravana Pandian application was received earlier than that of the application submitted by Mr.M.Peer Mohammed. On



account of the clerical error the name of Peer Mohammed was placed above the name of Mr.Saravana Pandian, but both the employees were already transferred to another Division as per their own request. When the issue relating to fixation of seniority arises, Mr.M.Peer Mohamed claimed that he must be placed above Mr.S.Saravana Pandian who raised objection which resulted in filing of the application before the Central Administrative Tribunal.

8. Learned counsel appearing on behalf of Mr.M. Peer Mohammed would mainly contend that as per the procedures stated in Circular, date of registration alone is to be taken into consideration for the purpose of considering the request application and fixing of seniority. Since the registration date was earlier than that of the registration date of Mr.S.Saravana Pandian, Mr.M.Peer Mohamed is to be considered to be senior to Mr.S.Saravana Pandian.

9. Perusal of the registration order would show that both the applications are registered on 24.01.2013. Though the request transfer application was registered on the same date, the name of Mr.S.Saravana Pandian should be placed above the name of Mr.M.Peer Mohamed, since the date of receipt of request transfer application of Mr.S.Saravana Pandian is earlier to that of the application submitted by M.Peer Mohammed. Therefore, even in cases where the registration of multiple request transfer applications are made, the seniority to be assigned based on the date of receipt of

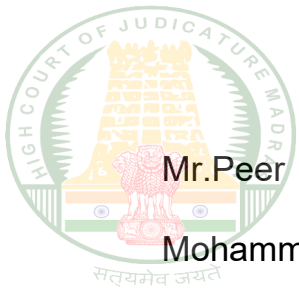


application by the competent authority. Since a clerical mistake occurred in placing Mr.Peer Mohammed above Mr.Saravana Pandian, the same ended in

institution of litigation before the Central Administrative Tribunal.

10. Transfer is an incidence of service and a condition of service. Request of transfer, policy has been framed by the Southern Railways for the benefit of the employees. Such request transfer policy would not confer a right to claim post or place. However, such request transfer applications are to be considered as per the procedures/ instructions given by the Southern Railways by way of Circular. In the present case, the date of receipt of request transfer application is to be considered at the first instance and in the order of date of receipt of request applications are to be maintained even if all such request transfer are registered on the same day. Registration is the procedure for considering the cases for transfer but transfer seniority must be assigned based on the date of receipt of request transfer application by the competent authority. In the present case, the request transfer application was received by the competent authority in the presence of the witness. Therefore, a sanctity is attached to the date of request transfer which cannot be dispensed with.

11. Admittedly, Mr.Peer Mohammed submitted his transfer application on 11.04.2012 and Mr.S.Saravana Pandian submitted his application on 22.03.2012 and therefore, while registering the transfer application the same of Mr.Saravana Pandian ought to have been placed above the name of



Mr.Peer Mohammed and on account of clerical error the name of Mr.Peer Mohammed is placed above Mr.S.Saravana Pandian and the correction of clerical error cannot be construed as irregularity. Any clerical error in service records entering certain particulars or registering the transfer application can be corrected and in the event of proceeding with the same error, it would cause prejudice to the interest of other employees. Therefore, correction of error by the authority at any time is recognised by the Administration as well as by the Courts.

12. In view of the above position, the impugned order passed by the Central Administrative Tribunal dated 01.03.2024 in OA/310/01300/2017 is set aside. Both the Writ Petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

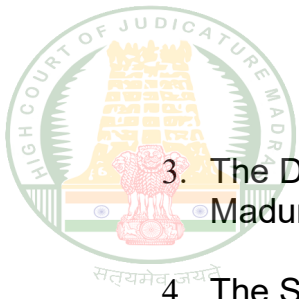
(S.M.S.,J.) (N.S.,J.)
17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

1. The General Manager, Union of India,
Southern Railway, Park Town, Chennai
-600003.
2. The Chief Personnel Officer,
Southern Railway, Park Town,
Chennai -600003.



3. The Divisional Personnel Officer,
Madurai Division, Southern Railway, Madurai.
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

vsi

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and
WP No. 5395 of 2025
and
WMP No. 5949 of 2025
and
WMP Nos. 36567 & 36568 of 2024**

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