

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF APRIL, 2020/10TH VAISAKHA, 1942

W.P(C) TMP NO.228 OF 2020

PETITIONERS

1. M.SRIDHARAN, AGED 41 YEARS,
S/O.P.MUTHUMADAN
SENIOR SECTION ENGINEER (SSE)
CARRIAGE AND WAGON DEPARTMENT (MECHANICAL),
SOUTHERN RAILWAY, NAGERCOIL,
TRIVANDRUM DIVISION
RESIDING AT NO.11A
RAILWAY COLONY, KOTTAR, NAGERCOIL-629002
MOBILE NO. 9092247111

BY ADV. SMT. SHAMEENA SALAHUDHEEN

RESPONDENTS ::

1. THE GENERAL MANAGER,
SOUTHERN RAILWAY, PARK TOWN,
CHENNAI - 600003

2. THE CHIEF PERSONNEL OFFICER,
SOUTHERN RAILWAY, PARK TOWN,
CHENNAI - 600003

3. THE SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY TRIVANDRUM DIVISION,
TRIVANDRUM - 695014

4. THE SENIOR DIVISIONAL MECHANICAL ENGINEER,
DIVISIONAL OFFICE ,
SOUTHERN RAILWAY TRIVANDRUM DIVISION,
TRIVANDRUM - 695014

5. THE COACHING DEPOT OFFICER
OFFICE OF THE COACHING DEPOT OFFICER,
NAGERCOIL JUNCTION-629002

6. THE DIVISIONAL RAILWAY MANAGER
SOUTHERN RAILWAY TRIVANDRUM DIVISION,
TRIVANDRUM - 695014

7. SRI. PRASAD. K.
SENIOR SECTION ENGINEER,
CARRIAGE AND WAGON DEPARTMENT (MECHANICAL) ,
SOUTHERN RAILWAY, KOCHUVELI,
TRIVANDRUM DIVISION-695021

R1-7 BY SHRI DINESH RAO

THIS WRIT PETITION HAVING COME UP FOR ORDERS ON
30.04.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

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Dated this the 30th day of April, 2020

Adv. Sri. Dinesh Rao takes notice for R1 to R6. This is a matter that should not have normally come up before this Court. It has been filed before this Court due to the urgency involved and also on account of the fact that there is no sitting in the Central Administrative Tribunal due to national lock down.

2. Hence I entertain the matter as an extra ordinary measure. Petitioner challenges Ext.P1 transfer order and Ext. P2 relieving order. It is the specific case that the child of the petitioner is suffering from Cerebral Palsy and it is difficult for him during the time of lock down to shift from the present place to another to join for duty.

3. I have heard Sri. Dinesh Rao, Standing Counsel for respondents 1 to 6 and he vehemently opposes the reliefs sought for by the petitioner and submits that petitioner has already been relieved.

4. I have gone through the case and I find that the alleged relieving of the petitioner was not volitional but only technical. None has taken charge in petitioner's place also. In the aforesaid circumstances, I stay Exts.P1 and P2 orders for a period of one month. If prior to the expiry of the said one month, Central Administrative Tribunal commence its sitting after the lock down, this order will remain in force only for a period of seven days from such commencement. In other words, the validity of this order will be for a period of one month or for a period of seven days from commencement of sitting by the Central Administrative Tribunal whichever is earlier.

5. The standing counsel for the respondents shall file a memo before this Court as and when the Central Administrative Tribunal commences its sitting.

Post in the last week of May, 2020.

BECHU KURIAN THOMAS

JUDGE

APPENDIX

PETITIONERS EXTS :

EXHIBIT P1 : TRUE COPY OF THE TRANSFER ORDER NO.12/20/
C&W/M/C DATED 20.3.2020 ISSUED BY THE 3RD
RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE RELIEVING ORDER DATED
21.3.2020

EXHIBIT P3 : TRUE COPY OF THE ID CARD

EXHIBIT P4 : TRUE COPY OF CERTIFICATE ISSUED BY THE
CHILDREN ORTHOPAEDIC AND REHABILITATION
CENTRE

EXHIBIT P5 : TRUE COPY OF THE RAILWAY BOARD ORDER NO. RBE
15/2019 DATED 30.01.2019 ALONG WITH O.M.
DATED 8.10.2018

EXHIBIT P6 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY
THE PETITIONER DATED 23.03.2020

EXHIBIT P7: TRUE COPY OF THE REMINDER DATED 27.03.2020.