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**CENTRAL ADMINISTRATIVE TRIBUNAL,**

**ERNAKULAM BENCH**

**Original Application No. 180/00239/2020**

**Thursday, this the 18<sup>th</sup> day of June, 2020**

**CORAM:**

**Hon'ble Mr. P.Madhavan, Judicial Member**

**Hon'ble Mr.K.V.Eapen, Administrative Member**

K.P.Madhusoodhanan, Aged 56 years

S/o.K.Purushothama Menon

MCM (Electronic Fitter)

Naval Ship Repair Yard (NSRY)

Kochi – 682 004

Residing at Kavalampilly House

Paradise Road, Vytila, Kochi – 19

Mob: 8075369017

..... **Applicant**

**(By Advocate : Mr.Vinod Madhavan)**

**V e r s u s**

1. The Commodore

Chief Staff Officer (P&A)

Southern Naval Command, Kochi – 682 004

2. The Flag Officer Commanding-in-Chief (for CCPO)

Head Quarters, Southern Naval Command

Naval Base, Kochi – 682 004

3. The Commanding Officer

Indian Naval Academy, Ezhimala

..... **Respondents**

**(By Advocate : Mr.Rajagopal.K)**

This application having been heard on 18.6.2020 the Tribunal on the same day delivered the following:

**O R D E R (ORAL)**

**Hon'ble Mr. P.Madhavan, Judicial Member –**

Heard the matter through video conferencing. Applicant is presently working as *Master Craftsman* (Electronics) in Naval Ship Repair Yard, Kochi. Applicant is aggrieved by Annexures A-1 order passed by the 2<sup>nd</sup> respondent, by which the applicant is promoted and transferred to INA Ezhimala, despite his unwillingness. Applicant's aged and ailing widowed sister requires the constant care and attention of the applicant. Hence, he submitted his unwillingness along with representation. Same was rejected vide Annexure A-3 and Annexure A-4 orders. Applicant submits that transfer on promotion granted to the applicant despite his unwillingness is contrary to the Recruitment Rules. He prays for the following reliefs:

- “(i) Call for the entire records leading to Annexure A1, A3 and A4 and set aside the same.*
- (ii) Declare that the applicant is entitled for relinquishing the promotion to the post of Chargemen and to continue in the current station without being transferred to Indian Naval Academy, Ezhimala as ordered in Annexure A1,*
- (iii) Direct the respondents to accept the relinquishment of the applicant to the post of Chargeman and allow him to continue in the present station in the post of Master Craftsman (Electronics Fitter),*
- (iv) Grant such other appropriate orders or directions as are deemed fit and proper, by this Hon'ble Tribunal in the facts and circumstances of this case and*
- (v) Award costs for the proceedings. “*

2. When the matter came up for consideration, the counsel for the applicant has submitted that the applicant is promoted and posted at INA, Ezhimala as *Chargeman* and the counsel submitted the difficulties in joining there. According to the applicant the transfer was made against his unwillingness and it is illegal. But the learned counsel for respondents submitted that INA Ezhimala is having shortage of *Chargeman* staff and they require people on promotion.

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3. We have heard both sides and perused the pleadings. **Since this is a matter of transfer where the Tribunal's power is very limited, we deem it proper to direct the applicant to give a representation to the competent authority detailing his grievances within one week of this order and the competent authority will pass a speaking order within a period of two weeks thereafter. If the applicant is not relieved so far, he shall not be compelled to go to the new station before a speaking order is passed and no precipitate action shall be taken against him in this context.**

4. The Original Application is disposed of as above at the admission stage itself. No costs.

**(K.V.EAPEN)**

**ADMINISTRATIVE MEMBER**

**(P.MADHAVAN)**

**JUDICIAL MEMBER**

**Sv**

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#### **List of Annexures**

Annexure A-1 - True copy of the order dated 20.2.2020 issued by the Commodore, Chief Staff Officer (P&A)

Annexure A-2 - True copy of the representation dated 4.3.2020 preferred by the applicant before the 2<sup>nd</sup> respondent

Annexure A-3 - True copy of the communication dated 5.6.2020 issued by the second respondent

Annexure A-4 - True copy of the communication containing the CAO's minute sheet, dated 10.6.2020, issued by the Administrative Officer Gde II, Civilian Administrative Officer, Naval Ship Repair Yard

Annexure A-5 - True copy of the medical certificate, dated 11.6.2020, issued by the Dr.Murali Krishna Menon treating the sister of the applicant

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