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CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

1.

Original Application No. 180/00220/2020

Thursday, this the 18th day of June, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

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

- 1 Kiran Bose P.J, aged 30 years
S/o.P.S.Janardanan
Fireman, Fire Station, INS Zamorin, INA
Ezhimala, Kannur, Pin -670 310
Permanent Address: Puthukulathil House
Edakkattuvayal P.O, Ernakulam, Pin – 682 313
Mob:9447717669
2. Vishnu Narayanan, aged 29 years
S/o.P.D.Narayanan
Fireman, Fire Station, INS Zamorin, INA
Ezhimala, Kannur, Pin – 670 310
Permanent Address: Palathingal House
Palakkuzha P.O, Koothattukulam, Pin 686 662
Mob: 9495456194
3. Nidhin C.J, aged 30 years
S/o.Josy C.M
Fireman, Fire Station, INS Zamorin, INA
Ezhimala, Kannur, Pin – 670 310
Permanent Address: Cherankattu House
Chetty P.O, Cherthala, Pin – 688 530
Mob: 7736758617
4. Ajeesh S.Manthanathu, aged 27 years
S/o.M.D.Surendran (late) Fireman, Fire Station
INS Zamorin, INA
Ezhimala, Kannur, Pin – 670 310
Permanent Address:TC 6/413(3), Vaka 137
Manthanathu House
Thiruvananthapuram, Pin – 695 013
Mob:9447427414

..... Applicants

(By Advocate : Mr.T.C.G Swamy)

.2.

V e r s u s

1. Union of India represented by its Secretary to
Government of India, Ministry of Defence, New Delhi – 110 001
 2. The Flag Officer Commanding –in-Chief
Southern Naval Command
Naval Base, Kochi, Pin 682 004
 3. The Commanding Officer
INS Zamorin, Ezhimala, Naval Academy P.O
Kannur, Pin 670310
- Respondents

(By Advocate : Mr.E.N.Hari Menon)

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

ORDER (ORAL)

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

The applicants are presently working as Fireman in INS Zamorin, Ezhimala. They are aggrieved by the non-feasance on the part of the respondents to consider their request for transfer against vacancies of Fireman at Southern Naval Command, Kochi even after they had completed the three years tenure at INS Zamorin. Hence, they pray for the following reliefs:

(i) Declare that the non-feasance on the part of the 2nd respondent to consider and post the applicants as Fireman at Kochi is arbitrary, discriminatory and unconstitutional,

(ii) Direct the 2nd respondent to consider A4 to A7 representations and to transfer and post the applicants as Fireman at Kochi forthwith,

(iii) Award costs of and incidental to this Application.

.3.

(iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case. “

2. Heard the learned counsel appearing for both parties through video conferencing.

3. When the matter came up for consideration, learned counsel for the applicant submits that the applicants’ representations at Annexure A-4 to A-7 are pending before the Competent Authority and the Competent Authority has not so far considered the same. She further submits that applicants will be satisfied if the representations are considered as per the relevant guidelines and rules. She has also cited an earlier order in Annexure A-8 (O.A No.180/00195/2020) and submitted that she will be satisfied by a similar order.

4. Learned counsel for the respondents has not seriously objected to the disposal of the representations pending before the respondents.

5. In view of the limited submission, the Competent Authority is directed to consider the representations of the applicants at Annexure A-4 to A-7 on the basis of the relevant rules and guidelines on transfer and pass a speaking order within a period of one month from the date of receipt of a copy of this order.

.4.

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

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(P.MADHAVAN)
JUDICIAL MEMBER

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List of Annexures

Annexure A1 The true copy of the Policy Guidelines on Transfer of Civilian Personnel bearing No.CP(G)/2601/Transfer Policy, dated 11.08.2015, issued by the 1st respondent.

Annexure A2 : True copy of the letter forwarding the application for transfer submitted by the 1st applicant bearing No.270 of 14.11.2017 from the office of 3rd respondent.

Annexure A3 : True copy of the letter forwarding the applications for transfer submitted by the 3rd and 4th applicants, bearing No.270 dated 28.11.2017 issued from the office of the 3rd Respondent.

Annexure A4 : True copy of representation by 1st applicant dated nil but submitted in the 1st week of February 2020, addressed to the 2nd respondent.

Annexure A5 : True copy of representation by 2nd applicant, dated nil but submitted in the 1st week of February 2020 addressed to the 2nd respondent.

Annexure A6 : True copy of representation by 3rd applicant, dated nil but submitted in the 1st week of February 2020 addressed to the 2nd respondent.

Annexure A7 : True copy of representation by 4th applicant, dated nil but submitted in the 1st week of February 2020 addressed to the 2nd respondent.

Annexure A8 : True copy of the Order issued by this Tribunal in O.A.No.180/195/2020, dated 20.05.2020.

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