

.1.

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00236/2020

Thursday, this the 18th day of June, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

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

S.Anil Kumar, Aged 55 years

S/o.the late N.Soman, Master Craftsman (Electronics)

Naval Ship Repair Yard, Cochin Naval Base, Kochi ,

Residing at Koyikalath Tharayil, Peringala P.O

Kayamkulam, Aleppey District, Pin - 690559

Mob: 8075369017

..... Applicant

(By Advocate : Mr. C.S.Manu)

V e r s u s

1. Union of India

Represented by the Secretary, Ministry of Defence

Government of India, New Delhi – 110 001

2. Flag Officer, Commanding-in-Chief

Cochin Naval Base, Kochi – 682 004

3. Commodore

Chief Staff Officer (P&A)

Cochin Naval Base, Kochi – 682 004

4. Administrative Officer Grade –II

Civilian Administrative Officer

Naval Ship Repair Yard, Naval Base

Kochi – 682 004

..... Respondents

(By Advocate : Mr.Thomas Mathew Nellimoottil)

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 –

Heard the matter through video conferencing. Applicant is presently working as *Master Craftsman* in Naval Ship Repair Yard, Kochi. Applicant is aggrieved by Annexures A-4 order passed by the 3rd respondent, by which the applicant is promoted and transferred to INA Ezhimala, despite his unwillingness. Applicant has submitted his unwillingness along with a representation stating that his mother, aged 75 years, is suffering from chronic diabetics and rhumatic complaints and his presence at the present place of posting is required to lookafter mother. Same was rejected vide Annexure A-5 and Annexure A-6 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 records leading to Annexures A-4, A-6 and A-7 orders and quash Annexures A-4, A-6 and A-7 orders.*
- (ii) *Allow cost of this application to the applicant*
- (iii) *Grant such other and further reliefs that this Tribunal may deem fit and proper in the facts and circumstances of the case.”*

2. When the matter came up for consideration, it has come out that the applicant is promoted and posted at INA Ezhimala as *Chargeman* and he has personal difficulties in joining there. But the learned counsel for respondents submitted that INA, Ezhimala is having shortage of *Chargeman* staff and they require people on promotion. We have heard both sides and it seems that the grievance of the applicants can be considered by respondents and the counsel for the respondents also agree that the respondents have no objections in considering the representation if any filed.

.3.

3. In this circumstance, without going into the merits, we deem it appropriate to direct the applicant to give a representation to the competent authority detailing his grievances within one week and the competent authority will consider the representation so received in the light of relevant rules and regulations and 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. No disciplinary action shall be taken against the applicant 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

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List of Annexures

Annexure A-1 - True copy of the order No.1(2)/480/D(CIV.I) dated 21.9.1982 issued by the Government of India, Ministry of Defence

Annexure A-2 - True copy of the notification No.GSR 552 dated 28.7.2009 issued by the Government of India, Ministry of Finance

Annexure A-3 - True copy of the recruitment rule for the post of Chargeman

Annexure A-4 - True copy of the order dated 20.2.2020 bearing No.CS-2760/25 issued by the 3rd respondent

Annexure A-5 - True copy of the unwillingness certificate dated 5.3.2020 submitted by the applicant

Annexure A5(a) - True copy of the representation dated 5.3.2020 submitted by the applicant

Annexure A-6 - True copy of the order bearing number CS 2760/25(I) dated 5.6.2020 issued by the second respondent

Annexure A-7 - True copy of the order bearing number PA/03/5030/14 dated 10.6.2020 issued by the Administrative Officer, Grade-Ii, Civilian Administrative Officer

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