

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00208/2020

Friday, this the 5th day of June, 2020

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Sreeraj B. Kartha, aged 34 years, S/o. K.P. Balachandran Kartha,
 Assistant Central Intelligence Officer-I/G (PIS No. 130717),
 Thrissur Unit, (residing at 21, KSHB Colony, Behind Working Women's
 Hostel, Pullazhi, Thrissur District, Pin – 680 012,
 Ph. 8700110669. ... **Applicant**

(By Advocate - Shri Manzoor Ali K.A.)

Vs.

1. Union of India, represented by the Secretary, Govt. of India,
 Ministry of Home Affairs, North Block, New Delhi – 110 001.
2. The Joint Director, Subsidiary Intelligence Bureau (SIB)-Trivandrum,
 MHA, Government of India, 572, Mount Fort House, Thycadu,
 Thiruvananthapuram – 33.
3. The Deputy Director, Subsidiary Intelligence Bureau (SIB),
 Trivandrum, MHA, Govt. of India, 572, Mount Fort House,
 Thycadu, Thiruvananthapuram – 33.
4. The Joint Deputy Director/E, Subsidiary Intelligence Bureau,
 MHA, Govt. of India, 572, Mount Fort House,
 Thycadu, Thiruvananthapuram – 33. ... **Respondents**

(By Advocate - Shri N. Anilkumar, SCGSC)

This application having been heard on 05.06.2020, the Tribunal on the
 same day delivered the following:

O R D E R (ORAL)

Per Hon'ble Mr. Ashish Kalia, Judicial Member –

Heard the learned counsel appearing for the parties through video
 conferencing being urgent matter.

2. The relief claimed by the applicant are as under:

“(i) To set aside the transfer of the applicant as per Annexure A6 transfer order issued by the 3rd respondent against the existing service and department norms in the interest of justice.

(ii) To set aside A8 order passed by the 2nd respondent and direct him to reconsider the A7 representation and decide the same after affording an opportunity of hearing to the applicant in the interest of justice.

(iii) To pass such other order or direction which this Hon’ble Tribunal may deem fit and proper to grant in the circumstances of the case.”

3. The applicant is presently posted as an Assistant Central Intelligence Officer-I/G at the Thrissur Unit of the Subsidiary Intelligence Bureau (SIB), Trivandrum. Applicant has been transferred on several occasions. At present applicant has been asked to join Minicoy in the Union Territory of Lakshadweep. However, because of the prevailing pandemic situation he has been allowed to work at the present station till 31.5.2020. Applicant submitted that due to his personal difficulties he is not able to join Minicoy.

4. Notice. Mr. N. Anilkumar, SCGSC entered appearance in the matter and submitted that respondents have not violated any transfer tenure rules as there is no such rules in the Intelligence Bureau. However, due to the exigency of service the applicant has been transferred.

5. After considering the rival contentions of the parties, we are of the view that ends of justice would be met if we direct the respondents to allow the applicant to continue in the present station for a further period of three months from today, due to the pandemic situation prevailing. Ordered

accordingly. The applicant shall join the transferred place of posting after the expiry of the above three months period without delay.

6. The Original Application is disposed of as above. No order as to costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

“SA”

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Applicant's Annexures

- Annexure A1- True copy of the office order No. 4/C-4/2017(1)-II-4125 dated 4.8.2017.
- Annexure A2- True copy of the office order No. 17/MM/2017(3)-3696 dated 11.10.2017.
- Annexure A3- True copy of the office order No. 2/Est(T)/2018(2)-647 dated 27.4.2018.
- Annexure A4- True copy of the office order No. 2/EST/BOI(T)/2018(1)-II-2846 dated 18.9.2018.
- Annexure A5- True copy of the office order No. 1/PF(T)/2018(55)-1646 dated 16.11.2018.
- Annexure A6- True copy of the office order No. 2/Est(T)/2020(2)-309 dated 5.3.2020.
- Annexure A7- True copy of the appeal submitted by the applicant to the 2nd respondent vide File No. 31/EST/TCR/2020-95 dated 12.3.2020.
- Annexure A7(a)- True copy of the forwarding letter dated 12.3.2020-95 submitted by the 3rd respondent to the 2nd respondent.
- Annexure A8- True copy of memo No. 1/PF(T)/2018(55)-1352 dated 20.3.2020 by the 2nd respondent.
- Annexure A9- True copy of office order No. 2/Est(T)/2020(2)-1324 dated 18.3.2020 from the 4th respondent Joint Deputy Director/E, SIB, Trivandrum.
- Annexure A10- True copy of office order No. 2/Est(T)/2020(2)-1388 dated 24.3.2020 from the 4th respondent Joint Deputy Director/E, SIB, Trivandrum.

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