

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

## **Original Application No.180/00469/2020**

Thursday this the 8<sup>th</sup> day of October, 2020

## C O R A M :

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER  
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER**

Rekhil K.P, aged 32 years  
Anandan K.P, Multi-Tasking Staff  
Army Recruiting Office, Westhil, Calicut – 673 005  
Residing at Kallumpurath House  
Purameri Post  
(Via) Vadakara – 673 503 ...Applicant

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

### versus

1. Union of India represented by its Secretary to the Government of India, Ministry of Defence  
New Delhi – 110 001
2. The Director, Army Recruiting Office  
Westhill, Calicut – 673 005
3. The Deputy Director General (Recruiting)  
Headquarters Recruiting Zone  
148- Field Marshal, K.M Cariappa Road  
Bangalore – 560 025
4. The Additional Director General (Manpower)  
MP-4(Civ) (b) Adjutant General Branch, Integrated Headquarters  
Ministry of Defence (Army) , New Delhi – 110 066
5. The Controller General of Defence Accounts  
Ulan Batar Road  
Palam, Delhi Cantt. - 110 010

(By Advocate : Mr.Thomas Mathew Nellimoottil)

This application having been heard through video conference on 8<sup>th</sup> October, 2020, this Tribunal on the same day delivered the following :

**ORDER (ORAL)**

**HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER**

Applicant is working as Multi Tasking Staff under the 2<sup>nd</sup> respondent. He is aggrieved by the refusal on the part of the respondents to forward the application of the applicant for inter-departmental transfer to a vacancy under the 5<sup>th</sup> respondent – the Controller General of Defence Accounts, in spite of clear provision and orders issued by the respondents. Hence, he approached this Tribunal praying for the following reliefs:

*"(i) Call for the records leading to the issue of Annexure A6 and quash the same*

*(ii) Direct the 2<sup>nd</sup> respondent to forward the application of the applicant along with all the requisite materials to the 3<sup>rd</sup> respondent for being forwarded to the 5<sup>th</sup> respondent within a time frame.*

*(iii) Direct the 5<sup>th</sup> respondent to take appropriate decision on Annexure A1 within a time frame as may be found just and fit by this Tribunal.*

*(iv) Award costs of and incidental to this application*

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

2. When the matter came up for consideration, it appears that the applicant's inter-departmental transfer application on compassionate grounds is pending before the respondent no.2 and respondent no.2 is not forwarding the same to the concerned authority. According to the applicant, respondent no.2 is liable to forward the representation as per Annexure A-11 dated 28.4.2017.

3. Adv.Mr.Thomas Mathew Nellimoottil takes notice on behalf of the respondents and he submits that the respondents have no objection for considering the representation in the light of relevant rules.

**4. In view of the above situation, without going into the merits of the matter, we hereby direct the respondent no.2 to consider Annexure A-7 and Annexure A-8 representations in the light of relevant rules and regulations and orders issued on the subject of inter-departmental transfer and pass a reasoned and speaking order within a period of one month from the date of receipt of a copy of this order.**

5. The Original Application is disposed of as above. No costs.

(K.V.EAPEN)  
ADMINISTRATIVE MEMBER  
sv

(P.MADHAVAN)  
JUDICIAL MEMBER

### **List of Annexures**

Annexure A1 – A true copy of the application dated 30.6.2020 submitted by the applicant through proper channel

Annexure A2 - A true copy of the representation dated 30.6.2020 addressed to the second respondent

Annexure A3 - A true copy of the application dated 16<sup>th</sup> June 2020 addressed to the CPIO in the Office of the 5<sup>th</sup> respondent

Annexure A4 - True copy of the letter bearing No.AN/VIII/8201/2/RTI/Misc/Vol.V dated 7.7.2020 from the CPIO in the office of fifth respondent

Annexure A5 - A true copy of the communication bearing No.A/47934/NOC/CAO/P-1(B) dated 16<sup>th</sup> March 2020 issued from the office of the JS&CAO, Ministry of Defence.

Annexure A6 - Order bearing No.C/1108 dated 5.8.2020 issued from the second respondent

Annexure A7 - A true copy of representation dated 10.8.2020 addressed to the second respondent

Annexure A8 - A true copy of appeal dated 20.8.2020 addressed to the 3<sup>rd</sup> respondent

Annexure A9 - A true copy of the letter from the office of the 5<sup>th</sup> respondent bearing No.AN/VIII/8203/2/IDT/Misc/2017 dated 27.8.2020

Annexure A10 - A true copy of communication bearing No.E/3149 dated 27.8.2020 issued from the office of the 2<sup>nd</sup> respondent

Annexure A11 - A true copy of the communication bearing No.5902/MP-4(Civ)(b) dated 28<sup>th</sup> April 2017 from the office of the fourth respondent.

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