

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00816/2019

Tuesday, this the 19th day of January 2021

C O R A M :

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

T.T.Muraleedharan Pillai,
S/o.P.G.Achuthan Pillai,
Aged 56 years,
Store Keeper II,
O/o.the Garrison Engineer (AF), Trivandrum.
Residing at Nandhanam, TC 76/2564(1),
City Gardens, CGRA 33, Oolankuzhy,
Anayara P.O., Trivandrum – 695 029.

...Applicant

(By Advocate Mr.R.Sreeraj)

v e r s u s

1. Union of India
represented by its Secretary to the Government of India,
Ministry of Defence, New Delhi – 110 001.
2. The Engineer in Chief,
Military Engineer Services,
Integrated Headquarters, Kashmir House,
Rajaji Marg, New Delhi – 110 001.
3. The Chief Engineer Southern Command,
Military Engineer Services,
Pune – 411 001.
4. The Garrison Engineer (Air Force),
Military Engineer Services,
Pulayanarkotta, Thiruvickal P.O.,
Thiruvananthapuram – 695 031.

...Respondents

(By Advocate Mr.S.R.K.Prathap, ACGSC)

This application having been heard on 19th January 2021, the Tribunal on the same day delivered the following :

ORDER

Per : Mr.P.MADHAVAN, JUDICIAL MEMBER

When the matter came up for hearing today, learned counsel for the applicant submits that this is a matter relating to transfer ordered on 2019 and more than one and a half years already elapsed. It is further submitted that 2020 transfer exercise is going on and the applicant will be satisfied if he is permitted to file a representation for transfer within a period of two weeks and the competent authority may consider the same in the light of the relevant rules and regulations within a stipulated time. Learned counsel for the respondents has no objection for considering the representation of applicant.

2. In view of the above limited relief sought by the learned counsel for the applicant, the O.A is disposed of directing the applicant to file a detailed representation relating to transfer within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, **the competent authority shall consider the representation so filed in the light of the relevant rules and regulations and pass a speaking order within a period of one month from the date of receipt of the representation.** Till then status quo shall continue.

3. The O.A is disposed of accordingly. No order as to costs.

(Dated this the 19th day of January 2021)

K.V.EAPEN
ADMINISTRATIVE MEMBER

P.MADHAVAN
JUDICIAL MEMBER

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List of Annexures in O.A.No.180/00816/2019

- 1. Annexure A-1** – A copy of the Order No.132402/Sur-Defi/2019/SK/01/E1B(S)/A1(a) dated 15.10.2019.
- 2. Annexure A-2** – A copy of the Order No.15984/Apr/2017/Mp-4(Civ) (b) dated 25.04.2017.
- 3. Annexure A-3** – A copy of the representation dated 22.08.2019 submitted by the applicant.
- 4. Annexure A-4** – A copy of the representation dated 28.10.2019 submitted by the applicant.
- 5. Annexure A-5** – A copy of the 2018 Transfer Guidelines of the MES Subordinate employees.
- 6. Annexure R-1** – A copy of the applicant application for cancellation of posting from GE (Air Force) Trivandrum to GE (Army) Gandhinagar vide letter No.105/E1B/257/BS dated 28.10.2019.
- 7. Annexure R-2** – A copy of the applicant posting order received by the 4th respondent from CWE (Air Force) Trivandrum vide their letter No.10071/240/E1B dated 31.10.2019.
- 8. Annexure R-3** – A copy of the application submitted by the applicant which was scrutinized and forwarded to CWE (AF) Trivandrum duly recommended by the 4th respondent vide letter No.1011/C/520/E1B dated 11.11.2019.
- 9. Annexure R-4** – A copy of the representation submitted by the applicant which was forwarded to the 3rd respondent vide HQ CE (Air Force) Bangalore letter No.122011/AF/ADM/4577/E1B(S) dated 22.11.2019.
- 10. Annexure R-5** – A copy of the policy letter issued in accordance with Para 5 (E) of new posting policy issued by DG (Pers), E-in-C's Branch vide their letter No.B/20148/PP/E1C(1) dated 18.02.2019.
- 11. Annexure R-6** – A copy of the HQ CE Southern Command, Pune warning instructions to all MES units who have holding critical surplus (exceed beyond 10% of Command Satisfaction Level) and had completed 02/03 years of physical service before issuing the posting order vide their HQ letter No.132601/Sur-Defi 2019/01/E1B(S)/A1(a) dated 08.08.2019.
- 12. Annexure R-7** – A copy of the Naval Armament Depot letter No.AAE/1555 dated 30.06.2017 stating that the applicant was in Level 5 of

the Pay Matrix for Rs.41600/- while serving in the Unit/Department.

13. Annexure R-8 – A copy of the Office of the Controller of Defence Accounts, Chennai letter No.Pay/Tech/6050/Pay Fix/2019/9(1) dated 14.05.2019 under which pay protected and re-fixed for Rs.43600/- in Level 2 ie., Rs.43100/- + 500/- (PP).

14. Annexure R-9 – A copy of the pay re-fixation notified Special Part II Order No.06/01/2019 dated 22.05.2019 and Posting/Transfer Order issued vide HQ CE SC Pune letter No.132402/Sur-Defi/2019/SK/01/E1B(S)/A1(a) dated 15.10.2019.

15. Annexure R-10 – A copy of the applicant representation fwd to HQ CE, SC, Pune through CE (AF) Bangalore vide their letter No.122011/AF/ADM/4577/E1B(S) dated 22.11.2019.

16. Annexure R-11 – A copy of the new posting policy issued by DG (Pers.), E-in-C's Branch vide HQ Chief Engineer Southern Command letter No.132601/Sur-Defi-19/SK/04/E1B(S)/A1(a) dated 19.12.2019 on the subject case as the same was considered but “not agreed to”.
