

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00432/2021

Friday, this the 03rd day of September, 2021

**Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member**

Smt. Pillai Mini Sukumaran, aged 48 years,
W/o Biju P
Assistant Accounts Officer,
Area Accounts Office (Navy), Perumanoor,
Kochi – 682 015
Residing at: Thekkeperingalil House,
Thulamparamba South, Haripad, Pin – 690 514
Ph. No. 8893805195

.... Applicant

(By Advocate: T C Govindaswamy)

Versus

1. Union of India, represented by the Secretary to the Government of India, Ministry of Defence (Navy), New Delhi – 110 011
2. The Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt.
Pin: 110 010
3. The Principal Controller of Defence Accounts (Navy)
No.1, Cooperage Road, Colaba, Mumbai-400 001
4. The Officer-in-charge,
Area Accounts Office (Navy)
Perumanoor, Kochi-682 015
5. The Senior Accounts Officer (AN)
Office of the Principal Controller of Defence Accounts

(Navy), No.1, Cooperage Road, Colaba,
Mumbai-400 001

..... Respondents

(By Advocate: N. Anilkumar, SCGSC)

The O.A having been heard on 3rd September 2021 through video conferencing, this Tribunal delivered the following order on the same day:

O R D E R (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicant seeking the following reliefs:

- " 1. Call for the records leading to the issuance of Annexure-A1 and quash the same to the extent it transfers the applicant to Mumbai;*
- 2. Direct the respondents to allow the applicant to continue at Kochi in her present office as if A1 had not been issued at all;*
- 3. Award costs of and incidental to this petition;*
- 4. Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case. "*

2. The brief facts of the case are as follows:

The applicant is presently working as an Assistant Accounts Officer (Navy) Kochi. She is aggrieved by an arbitrary and discriminatory (A1) Order bearing no. AN/I/39 dated 30.08.2021, issued from the office of the 3rd respondent, by which she stands transferred to Mumbai. Hence, the applicant has approached this Tribunal praying for the aforementioned reliefs.

3. When the matter taken up as today matter, Advocate Mr.Anil Kumar,Sr.PCGC takes notice on behalf of the respondents and submits that he requires time for filing a short reply statement.

4. Since, the matter is very urgent and the applicant is going to be relieved on 03/09/2021, she seeks for an interim stay of the order. It appears that the applicant's representation is still pending before the Competent Authority as Annexure-A10.

5. In view of the pendency of representation, **we direct the Competent Authority to consider Annexure-A10 representation on the basis of relevant rules, regulations and guidelines issued for transfer and pass a speaking order within a period of one month from the date of receipt of a copy of this order.** Till that time, the applicant shall not be relieved from the present post.

7. The Original Application is disposed of as above at the admission stage itself without going into the merits of this matter. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

bp

List of Annexures

Annexure A1 - True copy of Order bearing no. AN/I/39 dated 30.08.2021, issued from the office of 3rd respondent.

Annexure A2 - True copy of the Notification bearing no. AN-I/1201/SC82/2011 dated 31.12.2013 issued from the office of the second respondent.

Annexure A3 - True copy of Transfer Policy communicated by the second respondent under no. 0600/AX-X/Vol.XXI dated 28.03.2014.

Annexure A3(a) - True copy of the Notification No. AN/II/2153/Gen dated 15.06.2015 issued from the office of the second respondent amending Annexure A2

Annexure A4 - True copy of the communication no. AN/X/10001/2/2014 dated 21st September, 2015 issued from the office of the second respondent.

Annexure A5 - True copy of request in the prescribed pro-forma dated 18.07.2019, with all the annexures. Places of request – Kollam, Kottayam or Pathanamthitta.

Annexure A6 - True copy of request in the prescribed pro-forma dated 22.10.2019 with all the annexures. Places of request – Kollam, Kottayam or Pathanamthitta.

Annexure A7 - True copy of request in the prescribed pro-forma dated 10.08.2020 with all the annexures. Places of request – Kottayam, Kollam or Pathanamthitta.

Annexure A8 - True copy of request in the prescribed pro-forma dated 27.07.2021 with all the annexures. Places of request – Kottayam, Kollam or Pathanamthitta.

Annexure A9 - True copy of letter No. K/AN258/TINOUT dated 04.08.2021 issued by the fourth respondent.

Annexure A10 - True copy of the representation dated 01.09.2021 addressed to the third respondent.

Annexure A11 - True copy of the letter bearing no. K/AN/TIN/OUT dated 1st September, 2021 issued by the fourth respondent.

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