

**Central Administrative Tribunal  
Ernakulam Bench**

O.A No.180/00232/2021

Tuesday, this the 8<sup>th</sup> day of June, 2021

**CORAM:**

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

K.P.Shanavas, aged 59 years  
S/o.K.K.Padmanabhan  
Assistant Engineer(QS&C)  
Garrison Engineer (P)(NW)  
Kochi – 682 004  
Residing at Kallumadathil House  
Anapuzha P.O, Kodungallur  
Thrissur – 680 667

- **Applicant**

(By Advocate: Mr.R.Sreeraj)

## Versus

1. The 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, New Delhi – 110 001
3. The Chief Engineer Southern Command  
Military Engineer Services  
Pune – 411 001
4. The Chief Engineer (NW)  
Kochi, Military Engineer Services  
Naval Base, Kataribagh, Kochi – 682 004

- Respondents

(By Advocate: Mr.S.Ramesh,ACGSC)

The O.A having been heard on 8<sup>th</sup> June, 2021, 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) *Quash Annexure A-1 to the extent it relates to the applicant.*

2) *Direct the respondents to permit the applicant to continue to work at Kochi till 31.5.2021, i.e, till his retirement on superannuation.*

3) *Such other relief as may be prayed for and this Hon'ble Tribunal may deem fit to grant.*

4) *Grant the cost of this Original Application.”*

#### 2. The brief facts of the case are as under:-

The applicant is aggrieved by the transfer order issued on behalf of the 2<sup>nd</sup> respondent by which he is transferred from GE(P) (NW) Kochi to GE(I)(CG) Chennai. The applicant is an Assistant Engineer (QS&C) under the Military Engineer Services. In his 37 years long service, he had worked at various places under various Commands including a hard tenure station. It is submitted by the applicant that the applicant has only less than a year to retire from service on superannuation and in normal circumstances, all departments allow those employees at the fag end of their service to retire from their home station as far as possible. The applicant has filed Annexure A-6 representation seeking review of his posting and retention at Kochi. The request of the applicant is not yet considered. Applicant submits that he has not been relieved yet. Hence the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for admission hearing, it appears that Annexure A-6 representation given by the applicant is still pending before respondent no.2.

4. Adv.Mr.S.Ramesh,ACGSC takes notice on behalf of the respondents and submits that he has no objection in disposing of the representation, if any, pending with the respondents.

5. In view of the pendency of the matter before the competent authority, we deem it appropriate to dispose of this O.A at the admission stage itself. **The competent authority is directed to consider Annexure A-6 representation in the light of Annexure A-2, Annexure A-3 and Annexure A-4 orders and on the basis of relevant rules and pass a reasoned and speaking order within a period of 2 months from the date of receipt of this order.**

6. **Till that time, status quo as on date shall be maintained, if he is not relieved so far.**

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

**(K.V.Eapen)**  
**Administrative Member**

**(P.Madhavan)**  
**Judicial Member**

**List of Annexures**

Annexure A1 - True copy of the relevant portions of the Order No.MES/13/2021 dated 9.2.2021 issued on behalf of the 2<sup>nd</sup> respondent.

Annexure A2 - True copy of the relevant portions of the Order No.70001/SE/49/2018 dated 7.12.2018 issued on behalf of the 2<sup>nd</sup> respondent

Annexure A3 - True copy of the relevant portions of the Order No.MES/57/2019/EIB dated 30.9.2019 issued on behalf of the 2<sup>nd</sup> respondent

Annexure A4 - True copy of the relevant portions of the Order No.70001/SE/02/2021 dated 11.1.2021 issued on behalf of the 2<sup>nd</sup> respondent

Annexure A5 - True copy of the representation dated 11.1.2021 submitted by the applicant to the 2<sup>nd</sup> respondent

Annexure A6 - True copy of the representation dated 10.2.2021 submitted by the applicant to the 2<sup>nd</sup> respondent

Annexure A7 - True copy of the relevant portions of the Order No.MES 37/2018 dated 26.10.2018 issued on behalf of the 2<sup>nd</sup> respondent

Annexure A8 - True copy of the relevant portions of the Order No.MES 37/2018 dated 26.10.2018 issued on behalf of the 2<sup>nd</sup> respondent

Annexure A9 - True copy of the Order MES/CORR/23/2021 dated 1.6.2021 issued on behalf of the 2<sup>nd</sup> respondent .

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