

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00258/2021

Tuesday, this the 13th day of July, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

P.V.Damodaran, aged 59 years

S/o.Narayanan Nambiar

MCM, Smithy Shop, Naval Ship Repair Yard

Naval Base, Kochi – 04

Residing at 'Anugraham',

Thiruvankulam P.O, Ambadimala

Kureekadu – 682 305

- Applicant

(By Advocate:Mr.Soori M.B)

Versus

1. Union of India
Represented by the Secretary to Defence
154 B Wing Sena Bhawan
South Block, New Delhi – 110 011

2. Chief of Naval Staff
Integrated Headquarters
Ministry of Defence (Navy)
Directorate of Civilian Personnel
Sena Bhawan, New Delhi- 110 011

3. The Flag Officer Commanding-in-Chief
(for CSO (P&A))
Headquarters Southern Naval Command
Naval Base
Kochi – 04

4. The Chief Staff Officer (P&A)
Southern Naval Command
Kochi – 682 004

5. The Admiral Superintendent, NSRY (K)
Headquarters Southern Naval Command
Kochi – 682 004

- Respondents

(By Advocate: Mr.Anil Prasad,ACGSC)

The O.A having been heard on 13th July 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

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

- “ i. Call for the records leading to the issue of Annexure A1, A2, A3 and A18 orders and quash the same so far as it relates to the applicant;*
- ii. Direct the respondents to allow the applicant to continue at NSRY Kochi as if Annexure A1, A2, A3 & A18 orders so far as it relates to the applicant had not been issued at all;*
- iii. Direct the respondents to post the applicant at NSRY Kochi as if A1 to A3 and A18 orders relating to the applicant had not been issued at all;*
- 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. The applicant is aggrieved by the arbitrary and discriminatory decision taken by the 3rd respondent to promote and transfer the applicant to Ezhimala Naval Academy in violations to the transfer policy and also in violation of the recruitment rules governing the particular post.

3. When the matter came up for hearing, counsel for the applicant submits that the applicant is willing and ready to join at the new place, but he seeks permission to file a fresh representation.

4. In view of the limited submission made, applicant is permitted to file a fresh

representation after joining at the place of posting. The Original Application is dismissed as not pressed. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

Annexure A1 - True copy of the order No.CS 2760/25 dated 01.01.2019 issued from the office of the 4th respondent

Annexure A2 - True copy of the order No.CS2760/25 dated 20.02.2020 issued from the office of the 4th respondent

Annexure A3 - True copy of the order No.PA/03/5030/14 dated 10.6.2020, issued from the office of the 5th respondent

Annexure A4 - True copy of the confirmation order of the appointment of the applicant dated 21.6.1991

Annexure A5 - True copy of the representation dated 14.1.2019 submitted by the applicant before the 3rd respondent

Annexure A6 - True copy of the representation dated 26.2.2020 submitted by the applicant before the 3rd respondent

Annexure A7 - True copy of the transfer policy bearing No.CP(G)/2601/Transfer Policy, dated 11.8.2015, issued from the office of the 2nd respondent

Annexure A8 - True copy of the letter dated 25.6.2013 submitted by the applicant before the 3rd respondent

Annexure A9 - True copy of the case summary and discharge record issued from the Sree Chitra Medical Institute, Trivandrum

Annexure A10 - True copy of the medical certificate issued from the Medical Trust Hospital dated 12.6.2020

Annexure A11 - True copy of the medical certificate issued from the Medical Trust Hospital dated 25.7.2019

Annexure A12 - True copy of the discharge summary issued from the Medical Trust Hospital, Ernakulam

Annexure A13 - True copy of the order dated 18.6.2020 in O.A No.240/2020 of the Central Administrative Tribunal, Ernakulam Bench

Annexure A14 - True copy of the representation submitted by the applicant before the 3rd respondent without annexures

Annexures A15- True copy of the order No.CS2760/25 dated 24.7.2020 issued from the office of the 3rd respondent

Annexure A16- True copy of the order in O.A No.363/2020 dated 24.2.2021 of the Central Administrative Tribunal, Ernakulam Bench

Annexure A17- True copy of the representation submitted by the applicant dated 6.3.2021

Annexure A-18- True copy of the order No.CS2760/25 dated 20.5.2021 issued from the office of the 4th respondent

Annexure A19- True copy of the Naval Ship Repair Yards (Technical Supervisory Staff) Recruitment Rules, 2007.

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