

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

Original Application No. 1528 of 2002.

Friday, this day of 3rd January, 2003.

Hon'ble Mrs. Meera Chhibber, J.M.

K. Aravindakshan

S/o Late O.S. Menon,

R/o 208 D Defence Colony,

Jajmau, Kanpur posted as Senior

Stores Officer Grade-I in Defence Materials

& Stores Research & Development Establishment

(D.M.S.R.D.E) G.T. Road, Kanpur.

.....Applicant.

(By Advocate: Sri S.C. Tewari)

Versus.

1. The Union of India through Director
General Research & Development/Secretary
Defence, Defence Research and Development
Organization, New Delhi.

2. Director, Defence Materials and Stores
Research & Development Establishment G.T.
Road, Kanpur.

3. Director of Personnel, D.R.D.O., Head
Quarter, Sena Bhawan (B, Wingh), New Delhi.

.....Opp. Parties.

(By Advocate: Sri N.C. Nishad)

O R D E R

(By Hon'ble Mrs. Meera Chhibber, J.M.)

The grievance of the applicant in this case ~~is~~ that even though he was transferred from Kanpur to New Delhi vide order dated 12th July 2002 but the same was kept in



abeyance by the respondents ~~on~~ their own as no relieving order ~~was~~ issued and the same has been issued only on 26th December 2002, after about 6 months, directing the applicant to report to the Head Quarter DMS, New Delhi (Page 19). It is submitted by the applicant that even earlier when he was working as Senior Stores Officer, Grade-II in Kanpur.

He was likely to be transferred out but on the representation given ~~by~~ ^{that she is} his wife ~~to~~ generally remains sick. The respondents had after promotion, posted him to Kanpur itself. He has further submitted that his wife is still sick and ~~she~~ is not able to manage the affair of the house and even the children are in the midst of their studies and the applicant's wife has already given two representations addressed to Defence Ministry (Page 44 and 47) detailing there in the facts and the conditions of family with a prayer that the applicant may be allowed to continue at Kanpur.

2. I have heard counsel for the parties and perused ~~and~~ the pleadings as well.

3. The scope of Tribunal is very limited in the matters of transfer as ~~whose~~ ^{is} to be posted where and how the individual's service are used ~~can also~~ be decided by the Administration. The Hon'ble Supreme Court has emphasized time and again that the courts should not interfere in the normal transfer unless it is a case of malafide or violation of statutory rules or instructions, therefore, I do not intend to interfere in the matter at this stage. However, since the applicant has stated that her wife is very sick and has suffered Paralysis and also suffering heart ^{and} disease, Diabetes and thyroid, ~~in~~ the education of children is also ~~in~~ mid way, therefore, I think it would be in the interest of justice to dispose of this O.A. at the admission stage ~~itself~~ ^{directly} by ~~arguing~~ the respondents to consider the

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case of the applicant sympathically and pass appropriate orders in accordance with the law within a period of 4 weeks from the date of communication of this order.

The applicant's counsel has stated that the applicant has ~~handed~~ ^{AB} not yet ~~any~~ over the charge as he has been advised bed rest himself. If the statement is correct. The respondents are directed not to give effect the impugned orders for ~~the~~ period of 4 weeks ^{AB} till the representation ~~is decided~~ ^{AB}

4. With the above observation, the O.A. is disposed of.



(Member-J)

Manish/-