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O.A.No. 870 OF 2005.

ORDER DATED 02-11-2005.

Applicant having faced transfer from INS Chilika to Secunderabad, by order under Annexure-A/1 dated 23-08-2005, has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985. His representation (under Annexure-A/2 dated 22nd September, 2005) appears to have been rejected under Annexure-A/3 dated 14th of October, 2005. On perusal of the said order under Annexure-A/3 dated 14th October, 2005 it goes to show that the grievance of the Applicant was resubmitted to the Chief ENGINEER, , Navy, Visakhapatnam on 11th October, 2005. It is the case of the Applicant that while the matter is still subjudice before the higher authority, having been resubmitted, a movement order has been issued under Annexure-A/4 dated 24th October, 2005 requiring the Applicant to leave Chilika to join at Secunderabad. It is the case of the Applicant that he has got lot of family problem; inasmuch as he has lost his wife and has got a sick grown up daughter who is consistently requiring medical attention. Annexure-A/5 series are the medical reports in support of the sickness of his daughter.

Transfer of a low paid employee to a distance place, may be on promotion, in the circumstances, appears to be harsh. It is the case of the Applicant that a promotional post is lying vacant at INS Chilika, as

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against which the Applicant can be accommodated. Some totals of all the submissions of the Applicant makes out a case in his favour *prima facie*.

In the said premises, this Original Application is disposed of by calling upon the Respondents to reconsider the grievance of the Applicant with all sympathy and redress his grievance. Until the grievances are redressed with a touch stone of sympathy, the Applicant need be allowed by the Respondents to continue at INS Chilika. While giving consideration to the grievances of the Applicant, the Respondents should look to the human aspect of the matter and give relief to the Applicant by keeping in mind a healthy personnel management aspects.

Send copies of this order to the Respondents, along with copies of the O.A. and free copies of this order be handed over to Mr. D.K.Patnaik, learned counsel appearing for the Applicant, and Mr. S.B.Jena, learned Additional Standing Counsel, on whom a copy of this O.A. has already been served.

Sehant
02/11/2005
MEMBER(JUDICIAL)