

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O.A. No. 421/90  
XXXXX.

199-

DATE OF DECISION 17-1-1991

KK Jacob

Applicant (s)

Mr Ashok M Cherian

Advocate for the Applicant (s)

Versus  
The Chief Engineer, Southern Command, Military Engineering Service, Pune and others. Respondent (s)

Mr NN Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Mr NV Krishnan, A.M

The applicant has prayed that his transfer by the Annexure A1 order dated 26.4.90 pursuant to Annexure A4 order of general transfers dated 15.2.90 be quashed in so far as his transfer is concerned.

2 The applicant submitted that there was no need to effect his transfer if the only reason, therefore, was to accommodate the person mentioned at Sl.No.2 of Annexure A4 who has been posted back to Cochin after serving a tenure at the hard station, Port Blair. The applicant alleged that his transfer to Goa was entirely unnecessary and he could, <sup>be</sup> retained at Cochin itself since three other persons ~~who~~ were also being

transferred from Cochin by the Annexure A4 order in whose places substitutes have not been posted.

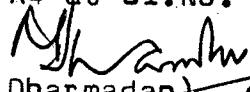
3 The respondents contended that the three persons at Sl.No.7,8 & 9 mentioned in Annexure A4 were being transferred to Port Blair only because there were surplus to the required strength at Cochin on the basis of certain yardsticks of representation between civil and military personnel.

4 The learned counsel for the applicant submitted that if at all he has to be transferred from Cochin, he would prefer to be transferred straight away to any hard station~~s~~ and that therefore, his present transfer from Cochin to Goa may be cancelled. In our view, this is <sup>a</sup> ~~is~~ reasonable <sup>the request</sup> ~~order~~ to the respondents and we, therefore, direct<sup>the</sup> the respondents to consider this matter.

5 The learned counsel for the respondents submitted at the Bar that the respondents undertake to transfer the applicant to a hard station, instead of insisting ~~on his~~ on a transfer to Goa.

6 In this view of the matter, we find that it is not necessary for us to adjudicate whether the order of transfer is reasonable or malafide ~~or~~ etc.

7 We close this application with the direction to the respondents to effect the transfer of the applicant from GE Cochin to any hard station, instead of transferring the applicant from GE, Cochin to CWE(P), Goa as mentioned in Annexure A4 at Sl.No. 17.

  
(N Dharmadan) 17.1.91  
Judicial Member

  
17.1.91  
(NV Krishnan)  
Administrative Member