

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.430/2001

Thursday this the 31st day of May, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.U.Asokan,  
Chief Engineer Grade II  
Integrated Fisheries Project,  
Kochi.16.

...Applicant

(By Advocate Mr. T.A.Rajan)

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1. Union of India, represented by  
the Secretary to Government of India,  
Ministry of Agriculture,  
Department of Animal Husbandry and  
Dairying, New Delhi.

2. The Director,  
Integrated Fisheries Project,  
Kochi.16.

3. The Director General,  
Fishery Survey of India,  
Botawala Chambers,  
Sir P.M.Road,  
Mumbai.

..Respondents

(By Advocate Mr. Govindh K Bharathan, SCGSC)

The application having been heard on 31.5.2001, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who is working as Chief Engineer  
Gr.II in the Integrated Fisheries Project (IFP for short)  
pursuant to an Office Memorandum dated 10.1.01 calling  
for option for being transferred to the Fishery Survey of  
India (FSI for short) along with the vessel or to remain  
in the IFP exercised his option for being transferred on  
12.2.01. However, on 22.3.01 the applicant submitted  
Annexure.A3 representation to the second respondent  
seeking permission to withdraw the option and to continue  
in the IFP. However, while the applicant did not get any  
communication regarding permission to withdraw the option

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or acceptance of the option given by him, he was served with an order dated 2.5.2001 by which he was ordered to be transferred to FSI. He therefore, submitted another representation dated 5.5.01 to the second respondent requesting that his name may be deleted from the names of persons to be transferred as he has recalled his option. The applicant did not get any reply but received Annexure.A6 order dated 11.5.01 posting the applicant in the FSI. The applicant has not been relieved.

2. Aggrieved by the orders Annexures A4 and A6, the applicant has filed this application seeking to have these orders set aside to the extent it affects him and for a direction to the second respondent to allow him to continue in the IFP. The applicant has also prayed that the second respondent may be directed to consider and dispose of Annexure.A5 representation made by him. The applicant has sought an interim stay of operation of the orders Annexures A4 and A6 to the extent it affects him.

3. When the application came up for hearing on 22.5.01 the learned Sr.CGSC took notice on behalf of the respondents and sought some time to get instructions and to make statement before admission.

4. Today when the matter came up for hearing, learned SCGSC stated that he has been informed by the second respondent that though Annexures A3 and A5 withdrawal of option were received by the second respondent and forwarded to the Ministry, the impugned order transferring the applicant has been issued without considering the subsequent representation and that the second respondent is not competent to pass an order on the representation against the decision of the Ministry. It is suggested that if the applicant would make a representation to the 1st respondent, that would be considered and disposed of.

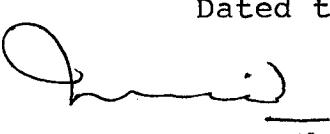
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4. Learned counsel of the applicant states that the applicant would be satisfied if the applicant is permitted to make a representation to the Ist respondent and the Ist respondent directed to dispose of the representation taking into account the withdrawal of the applicant's option by Annexure.A3 keeping the impugned order to the extent it affects the applicant pending.

5. We are of the considered view that the submission made by the learned counsel of the applicant is reasonable.

6. In the result, in the light of the submissions made by the learned counsel on either side and in the interests of justice, we dispose of this application permitting the applicant to make a detailed representation to the Ist respondent through the second respondent advertizing to his withdrawal of option made on 22.3.01 and other relevant circumstances within a period of one week from today and directing the Ist respondent to dispose of the representation in accordance with law as expeditiously as possible. We also direct that till the order of the Ist respondent on the representation to be made by the applicant is served on him the applicant shall not be relieved from his post in the IFP, Cochin. No costs.

Dated the 31st day of May, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

(s)

  
A.V. HARIDASAN  
VICE CHAIRMAN

List of annexures referred to:

Annexure.A3:True copy of applicant's representation dated 22.3.2001 addressed to the 2nd respondent.

Annexure.A4:True copy of Order No.A1/1-1/2001 dated 2.5.2001 of the 2nd respondent.

Annexure.A5:True copy of applicant's representation dated 5.5.2001 addressed to the 2nd respondent.

Annexure.A6:True copy of office Memorandum F.No.2-147/2000-E1 dated 11.5.2001 of the third respondent.

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