

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.442/04

Monday this the 14th day of June 2004

C O R A M :

HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

K.P.Mukundan Unni,  
S/o.late M.C.S.Unni,  
Senior Auditor,  
O/o.the Defence Pension Disbursing Officer,  
Kochi - 15.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by  
the Secretary to the Govt. of India,  
Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts,  
West Block IV, R.K.Puram,  
New Delhi - 66.
3. Controller of Defence Accounts,  
Annasalai, Thenampet,  
Chennai - 18.
4. The Defence Pension Disbursing Officer,  
Kochi - 15.

Respondents

(By Advocate Mr.C.B.Sreekumar,ACGSC)

This application having been heard on 14th June 2004 the  
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

The applicant presently working as Senior Auditor in the  
Office of the Defence Pension Disbursing Officer, Kochi is  
aggrieved by an order of transfer from his place at Kochi to  
Cannanore. This is the third round of litigation in this case.  
This Tribunal in its judgement dated 28.4.2004 has observed as  
follows :

" Taking note of the statement of the learned counsel for  
the respondents and the fact that the representation  
mentioned in O.A.205/04 has not been disposed of on merits

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and that the said representation is yet to be disposed of on merits and as the applicant would not be relieved from the present place of posting till a reasoned order is served on him, we find that this application has become virtually infructuous. In case the outcome of the representation would be against the interests of the applicant, it would be open for the applicant to seek appropriate relief in accordance with law, on receipt of such order.

2. Now the disposal of the representation dated 25.2.2004 is showing the reasons why the respondents have not been able to accede to the request of the applicant. There is only one matter which keeps the grievance of the applicant still alive and that matter is that the applicant is willing to put in his papers for voluntary retirement after completion of 28 years he should be allowed to be retained in Kochi until completion of 28 years considering the mental illness of his wife. The CGDA has contended in its disposal of the representation that the contention of the applicant that he would voluntarily retire after completion of 28 years of service cannot be accepted at this stage in the absence of any application containing the requisite notice and its acceptance by the competent authority. The fact, however, remains that the applicant intends to proceed on voluntary retirement because he is not in a position to move out of Kochi. His request for retaining him until he completes 28 years of service with a view to get full pension is not unreasonable and therefore the applicant is directed to give a notice of voluntary retirement to the respondents within 15 days of receipt of this order and on the strength of that the respondents may consider to retain the applicant at the present station until the date of his voluntary retirement i.e. 31.8.2005. In the meantime, the applicant be allowed to continue at Kochi itself subject to the conditions that he submits his

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request for voluntary retirement within a period of 15 days from the date of receipt of a copy of this order. No order as to costs.

(Dated the 14th day of June 2004)

H. P. DAS

ADMINISTRATIVE MEMBER

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