

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.453/2001

Tuesday this the 29th day of May, 2001

**CORAM**

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

CR.Nambissan S/o late Narayanan Nambissan,  
Assistant Executive Engineer,  
Central Water Commission, Office of the AEE,  
Chaliyar Sub Division, Kozhikode  
residing in Pranavam,  
Thrikkottisseri, Vakayad PO,  
Kozhikode, Kerala.673614.

..Applicant

(By Advocate Mr.PJ Joseph)

V.

1. Union of India, represented by the  
Secretary, Ministry of Water Resources  
Shramshakti Bhavan, New Delhi.
2. Central Water Commission represented  
by its Chairman, Sewa Bhavan,  
R.K.Puram, New Delhi.
3. Superintending Engineer (C)  
Office of the Chief Engineer  
CWC, Office of the Cauvery and Southern Rivers,  
Corporation Community Hall,  
Kamarajapuram, R.S.Puram PO,  
Coimbatore.2.
4. Office of the Assistant Executive Engineer,  
Central Water Commission,  
Chaliyar Sub Division,  
Kozhikode.
5. M.Hamsa, AE,  
Office of the AE,  
Central Water Commission,  
MCSD, Coimbatore. ....Respondents

(By Advocate Mr. P.J.Philip, ACGSC (for R.lto4)

The application having been heard on 29.5.2001, the  
Tribunal on the same day delivered the following:

**O R D E R**

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

The applicant, Assistant Executive Engineer,  
Office of th A.E.E. Chaliyar Sub Division, Central Water  
Commission, Kozhikode under orders of transfer to

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Mangalore has filed this application challenging the order dated 22.5.2001 issued by the third respondent transferring him from Kozhikode to Mangalore. The applicant has assailed the order on various grounds including that the third respondent is not competent to transfer him and that the order of transfer is unsustainable inasmuch as it is against the norms in respect of transfer. The applicant has stated that he has made a representation on 25.5.2001 (A2) to the second respondent immediately on receipt of the order of transfer, which is yet to be considered and disposed of. Apprehending that the applicant would be replaced by the 5th respondent as the applicant understood that the 5th respondent would be relieved by 31st of this month, the applicant has filed this application seeking to have the impugned order Annexure.A1 set aside to the extent it affects him.

2. When the application came up for hearing Shri P.J.Philip took notice on behalf of respondents 1 to 4. Counsel on either side agree that the application may be disposed of directing the second respondent to consider the Annexure.A2 representation submitted by the applicant and to give him an appropriate reply as early as possible keeping the relief of the applicant pending till a decision of the second respondent on the representation of the applicant is communicated on him.

3. In the result, in the light of what is stated above, the application is disposed of directing the second respondent to consider the Annexure.A2

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.3.

representation and to give the applicant an appropriate reply as early as possible and that the applicant shall not be relieved from the present place of posting till a decision of the second respondent on the representation of the applicant is served on him. Parties will bear their costs.

Dated the 29th day of May, 2001



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

(s)



A.V. HARIDASAN  
VICE CHAIRMAN

List of annexures referred to:

Annexure.A1:True copy of the Office Order No.A.22018/1/200-Admn./1573-91 issued by the third respondent dated 22.5.2001.

Annexure.A2:True copy of the representation dated 25.5.01 submitted by the applicant before the 2nd respondent.

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