

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO:454/2009.
DATED THE 11th DAY OF AUGUST, 2009.

CORAM:

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

A K Shaji

Project Officer,
Kerala State Social Welfare Board, Trivandrum.
Residing at: Attoor, TC 22/190,
Swathi Nagar, Lane I,
Peroorkada, Trivandrum-5.

... Applicant

By Advocate Mr P Vijaya Kumar

V/s.

- 1 Central Social Welfare Board,
represented by Executive Director,
Samaj Kalyan Bhavan, B-12,
Institutional Area, South of IIT,
New Delhi – 16.
- 2 Deputy Director (F O ESTT),
Central Social Welfare Board,
Samaj Kalyan Bhavan,
B 12, Institutional Area, South of IIT,
New Delhi – 16.
- 3 Kerala State Social Welfare Board,
represented by Secretary,
Sasthamangalam, Trivandrum-10.
- 4 Chair Person,
Kerala State Social Welfare Board,
Sasthamangalam, Trivandrum.
- 5 Dr. Philipose,
Project Officer,
Kerala State Social Welfare Board,
Sasthamangalam, Trivandrum. ... Respondents

By Advocate Mr George Joseph ACGSC (R 1&2)
Mr P Nandakumar (R 3&4)
Mr S M Prasanth (R-5)

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This application having been heard on 11.08.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the Annexure A-6 order dated 26.6.2009 transferring him as Secretary, A&N State Board on usual terms and conditions of deputation. His contention is that he has been sacrificed for the sake of the 5th respondent, Dr Philipose, Project Officer who has been transferred from Kerala to Andaman & Nicobar on administrative ground vide Annexure A-4 Office Order dated 20.5.2009 and relieved from duty vide Annexure A-5 letter dated 15.6.2009 of the Central Social Welfare Board from Central Social Welfare Board with immediate effect with the direction to report to the Chairperson, Andaman & Nicobar State Social Welfare Board immediately or by 26.6.2009. Learned counsel for the applicant has also stated that on receipt of Annexure A-6 transfer order dated 26.6.2009, the applicant has made Annexure A-8 representation dated 30.6.2009 to the Chairperson, Central Social Welfare Board explaining the various difficulties being faced by him to report as Secretary, Andaman & Nicobar State Board.

2 Learned counsel for respondents 1 & 2 namely, Central Social Welfare Board, represented by Executive Director and Deputy Director (F O ESTT), Central Social Welfare Board, New Delhi stated that the aforesaid representation of the applicant has not so far been received by them. He has also stated that after the Annexure A-4 transfer order and

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Annexure A-5 relieving of Dr Philipose order, he had made a representation to the first and second respondent and after duly considering the same, the Central Social Welfare Board has issued the Office Order dated 26./6.2009 (produced before the Tribunal today) canceling the transfer order and retaining him in Kerala Social Welfare Board.

3 The applicant has filed rejoinder and stated that the 4th respondent namely, Chair Person, Kerala State Social Welfare Board, Trivandrum has purposely and deliberately not forwarded his Annexure A-8 representation to the respondents 1 & 2 so as to protect the interest of the 5th respondent whose representation against his transfer was readily forwarded and got his transfer order canceled and retained in Kerala. He has also submitted that the scenario has since been changed as Shri G Vikraman, who was serving as Secretary, Kerala Social Welfare Board has expired on 27.7.2009 and against the three sanctioned posts of Project Officers, Shri C K Sebastian who was transferred from Tamil Nadu to Kerala has not assumed charge so far. With the Applicant's transfer, there will be only one Project Officer i.e the 5th respondent left in the Kerala State Welfare Board.

4 I have heard the counsel for parties. It is well settled that an employee who has been transferred has a right to make a representation against the same to the competent authority. The applicant as well as the 5th respondent have made their respective representations to the first respondent namely, Central Social Welfare Board, represented by the Executive Director, New Delhi. The representation of the 5th respondent was forwarded by the 4th respondent to respondents 1 & 2 and the same was considered. Accordingly, his transfer order to Andaman & Nicobar has been canceled and he has been retained him in Kerala State Social Welfare Board itself. However, the Annexure



A-8 representation of the applicant to the 1st Respondent submitted through the channel of the respondent no.4, has not even been forwarded. That is the reason why, the first and second respondent has stated in their reply that they have not received the representation. This was quite an unfair and discriminating attitude of the 4th respondent. The representations are to be considered not depending upon the likes and dislikes of the officer concerned to the employees. In the above facts and circumstances of the case, the 1st respondent namely, Chairperson of the Central Social Welfare Board shall also look into the request of the Applicant for cancellation of his transfer order and to retain him in Kerala, considering the reasons given in his representation. I, therefore, grant liberty to the applicant to make a fresh representation to the Chairperson, Central Social Welfare Board, within a period of two weeks through the 4th respondent. On receipt of such a representation, the 1st respondent shall consider the same and pass a speaking and reasoned order under intimation to the applicant within a period of four weeks thereafter. Till such time, the status quo as on date shall be maintained.

5 With the aforesaid directions, the OA is disposed of.


GEORGE PARACKEN
JUDICIAL MEMBER

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