

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 470 of 1994

Tuesday this the 19th day of April, 1994

Coram

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.K.Komalavally, Jr.Engineer
Office of the Executive Engineer,
Cochin Central Division, CPWD
Govardhan Building, Cochin-35.Applicant

(By Advocate Mr.P.V.Madhavan Nambiar)

Vs.

1. Superintending Engineer,
Coordination, Central PWD
140, Marshalla Road, Madras.8.
2. Chairman, Hard Case Committee,
C/o Superintending Engineer,
Coordination, Central P.W.D.
140, Marshalla Road, Madras.8.
3. Superintending Engineer,
Trivandrum Central Circle, CPWD
Gnayalloor Building,
Kesavadasapuram, Trivandrum.4.
4. Executive Engineer,
Cochin Central Division Central PWD
Govardahan Building, Cochin-35.
5. Director General of Works,
Central P.W.D. Nirman Bhavan,
New Delhi-110 011.Respondents

(By Advocate Mr.C.Kochunni Nair, Sr.CGSC)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges Annexure-A9 order, transferring her from Cochin to Madras. She was transferred earlier and that was challenged in O.A.1009/93. By Annexure.A7 a Bench of this Tribunal directed the "Hard Cases Committee" to consider her request for a posting in Kerala. After such consideration, the request was rejected by Annexure.A9.

2. According to applicant the directions in Annexure.A7 were not complied with and an order unsupported by reasons was passed. We have called for the proceedings of the 'Hard Cases Committee.' We find that there was consideration. Whether a different result would have followed by such consideration, is not a matter with which we are concerned.

3. Respondents would submit that there are 148 Junior Engineers waiting to be posted against 75 posts available in Kerala Region and that allowing applicant to remain in Kerala would act to the detriment of other Keralites who had been working outside Kerala for long years. We think there is force in the submission.

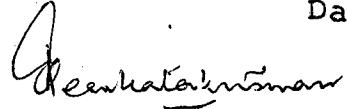
4. Even so applicant could be considered for a posting outside the Kerala Region, at a station close to Trivandrum where, her husband is working. Applicant would submit further that there is a leave vacancy at Trivandrum, where Smt. Pushpa was working. It is open to respondents to consider whether as an adhoc arrangement applicant could be posted in the vacancy of Pushpa. If she is to be so posted, she will be liable to be transferred whenever Smt. Pushpa or her successor reports for duty.

5. If applicant joins at Madras in terms of Annexure.A9 order and then makes a request for a posting near Trivandrum, respondents will consider her request

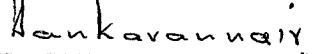
for a posting in any district in Tamilnadu bordering Trivandrum or Quilon districts. Applicant is granted one month's time from today to join at Madras. These directions will not stand in the way of the competent authority from considering Annexure.A10 or affording relief on the basis of Annexure.A10, if that authority is so minded.

6. With these directions, we dispose of the application. No costs.

Dated 19th April, 1994.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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