

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A.No.473/06**

**Wednesday this the 28<sup>th</sup> day of June 2006**

**C O R A M :**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

P.Sunil,  
Assistant Engineer (Civil),  
Civil Construction Wing,  
All India Radio, Kakkanad P.O.

...Applicant

(By Advocate Mr.Vinod Chandran K)

**Versus**

1. Union of India represented by its Secretary,  
Ministry of Information & Broadcasting,  
New Delhi.
2. Prasar Bharathi (Broadcasting Corporation of India),  
All India Radio, Parliament Street,  
New Delhi – 110 001.
3. The Executive Engineer (Civil),  
Office of the Executive Engineer (Civil),  
All India Radio, Kakkanad P.O., Kochi – 30.
4. The Chief Engineer – 1,  
Civil Construction Wing, All India Radio,  
6<sup>th</sup> Floor, CGO Complex,  
Lodhi Road, New Delhi – 3.

...Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

2.

This application having been heard on 28<sup>th</sup> June 2006 the Tribunal on the same day delivered the following :-

**ORDER**

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN**

The applicant had earlier approached this Tribunal by filing O.A.374/06. In the said O.A a direction had been given to the respondents to dispose of the representation of the applicant dated 26.5.2006. Respondents have now issued Annexure A-8 impugned order again rejecting the request of the applicant to be accommodated either at Calicut, Trivandrum or Chennai or to retain him at Kochi in the exigencies of service in public interest.

2. When the matter came up today, counsel for the applicant submitted that the order of rejection is without any application of mind and that he had not requested for retention at Kochi and suggestions of the Tribunal to consider the applicant for transfer to a nearby station in view of the personal circumstances has not been considered at all. Besides the impugned order itself is issued by the Superintending Surveyor of Works whereas the representation dated 26.5.2006 was addressed to the Chief Engineer.

.3.

3. In view of these facts brought out, I find that the respondents have given a casual treatment to the directions of this Tribunal. The Superintending Surveyor of Works who has disposed of the representation is not a respondent in that O.A and a direction had been specifically given to the 4<sup>th</sup> respondent in O.A and it should have been considered accordingly.

4. In this view of the matter, I specifically direct the 4<sup>th</sup> respondent to consider the Annexure A-5 representation dated 26.5.2006 of the applicant in the light of the observations made in this Tribunal's order in O.A.374/06 and pass a speaking order within a period of two months from the date of receipt of a copy of this order. Till then the applicant may not be relieved from the present place of posting. No order as to costs.

(Dated the 28<sup>th</sup> day of June 2006)

Sath Nair  
**SATHI NAIR**  
**VICE CHAIRMAN**

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