

# CENTRAL ADMINISTRATIVE TRIBUNAL

## ERNAKULAM BENCH

Original Application No. 476 of 2010

*FRIDAY*, this the 18<sup>th</sup> day of June, 2010

**CORAM:**

**HON'BLE Mr. JUSTICE K.THANKAPPAN, JUDICIAL MEMBER**  
**HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

1. Smt. N. Sathiamma,  
W/o. Muralidharan Unnithan,  
Superintendent,  
Passport Office, Malappuram,  
Permanently residing at "Kailasam",  
1<sup>st</sup> Cross Road, Cheriya Kadavanthara,  
Cochin - 682 020

2. K. Micle,  
S/o. Late Augustine,  
Superintendent,  
Passport Office, Malappuram,  
Permanently residing at "Maliakkal House",  
Eramalloor, Cherthala : 688 537

... Applicants.

(By Advocate Mr. Shafik M.A.)

v e r s u s

1. Union of India represented by  
The Chief Passport Officer & Joint Secretary (CPV),  
Ministry of External Affairs, New Delhi.
2. The Passport Officer,  
Passport Office, Malappuram.
3. The Regional Passport Officer,  
Regional Passport Office,  
Panampilly Nagar, Cochin.

... Respondents.

(By Advocate Mr. A.D. Raveendra Prasad, ACGSC)

The Original Application having been heard on 14.06.2010, this Tribunal on  
18-06-10 delivered the following :

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**O R D E R****HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

The applicants have filed this O.A. for a direction to the respondents to issue immediate orders for posting them to the Regional Passport Office, Cochin. The applicants are working as Superintendents in the Passport office at Malappuram at present. Both of them are physically challenged persons. The 1st applicant is 60% handicapped and the 2<sup>nd</sup> applicant is 50% handicapped with shortening of lower limbs due to post polio residual paralysis. Among the physically challenged persons, only the applicants had undergone transfers whereas others are still being retained in Cochin office itself. They have hardly one year of service left for superannuation. The applicants have made a number of requests for transfer to Cochin but to no avail. There are a number of officials who have completed their tenure at Cochin office long back. They are not being posted out side and the applicants are not being posted back to Cochin office. The respondents have retained their juniors who have worked less years out side or brought them back to Cochin in preference to the applicants' claim. Hence the O.A.

2. The applicants submitted that the refusal on the part of the respondents to transfer them back to Cochin inspite of their having completed the tenure outside, inspite of their being handicapped, and inspite of their request for transfer, inspite of transferring back their juniors to Cochin office, is arbitrary and violative of transfer norms. The applicants have been transferred a number of times from 1975 to 2007. There are 57 employees who have not moved out on transfer from RPO, Cochin since their initial appointment. The applicants being handicapped,



have a preference for posting near or in the home station. They are also suffering from various disorders and ailments.

3. The respondents have not contested the O.A. They have not filed any reply statement inspite of opportunities being given to them. Their only contention is that there is no vacancy in Cochin office.

4. Arguments were heard and records perused.

5. The policy of the Government is to give preference to handicapped employees for posting to or near their native place as per the DOP&T letter No. A-B 14017/41/90-Estt.(RR) dated 10.05.1990. The transfer policy of the Ministry of External Affairs also provides for preference to those who are about to superannuate, in the matter of posting at a place of their choice. In spite of making a number of representations and inspite of their being handicapped, the respondents have not acceded to their requests for a posting at Cochin. The applicants are about to retire in an year or so. Lack of vacancy at Cochin need to be scrutinized in depth. When there was vacancy it was possible for the respondents to have considered the requests of the applicants favourably. When there are a number of persons who have not been transferred out of Cochin for many years, it is quite possible to consider posting a few of them outside so as to give posting at Cochin to persons, like the applicants, who are handicapped and about to retire. The transfer policy of the Government also provides for preference to the handicapped and so also to the persons who are about to retire. The applicants are only claiming preference, that is given to them by the Government. There is no reason for the respondents not to take a more positive approach to the representations received from the applicants. In the interest of

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justice and fair play as well as in the light of the transfer policy, the request of the applicants should be considered for posting at Cochin even if two persons have to be transferred out of Cochin or in the alternative transferring applicants to Cochin with their posts which may revert to Malappuram office on their superannuation.

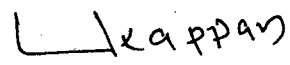
6. Accordingly, the respondents are directed to consider transferring the applicants to Cochin by pinpointing necessary vacancies by way of transferring those who are staying for a long time at Cochin or transferring them with their posts to Cochin, within a period of 60 days from the date of receipt of copy of this order.

7. The O.A. is allowed to the extent indicated above. No order as to costs.

(Dated, the 18<sup>th</sup> June, 2010)



**K. GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE K THANKAPPAN**  
**JUDICIAL MEMBER**

cvt.