

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 476 1991
~~1300XNR~~

DATE OF DECISION 27-3-1991

K.K. Sasidharan Applicant (s)

Mr. M.P.R. Nair Advocate for the Applicant (s)

Versus

Government of India rep. Respondent (s)
by the Secretary, Min. of Steel and Mines,
Deptt. of Mines, New Delhi and 3 others

Shri N.N. Sugnapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji, Vice Chairman

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

N. Dharmadan, JM.

The applicant is working as U.D.C. in the Geological Survey of India, Cochin. He has filed this application challenging Annexure-A order of transfer dated 20-12-90. The grounds urged are (1) it is violative of Annexure-B norms for the transfer of class III and IV officers from one station to another; (2) the applicant ^{is a} low paid employee and he can be transferred only in exceptional circumstances taking into consideration the exigencies of service; (3) he worked for seven years out side the Kerala State ^{and he} came to Cochin only on 1-10-88 on his

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own request after spending more than seven years at Mangalore and he cannot be transferred until all the staff in the concerned grade have completed their term on transfer outside; (4) his wife is working in Kerala State and hence he is entitled to continue at Cochin because the policy of the respondent is to post husband and wife in one station as far as possible. The applicant also submitted that his juniors are even now allowed to continue at Cochin against the norms laid down as per Annexure-B. He has submitted two representations at Annexure-C and Annexure-D for cancellation of his transfer or atleast for deferring the transfer for one year. It appears that Annexure-E has been passed giving him time only upto 1-4-91 without considering his grievance highlighted.


2. We have heard the learned Central Government Govt. counsel who submitted that there is violation of the norms in this case. Regarding the submission that one of his juniors is working at Cochin, it is submitted that he is retained on account of special circumstances and there is no scope for any allegation of discriminatory treatment on account of the retention of his junior at Cochin. He submitted that this application is to be rejected.

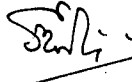
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3. Having considered the matter, we are of the view that the applicant's case has not been examined by the higher authorities in spite of his representations. Annexure-C has not been disposed of so far. Taking into account Annexure-B norms and the claim of the applicant. Hence we feel that justice will be met in this case if we direct the ^{1st} respondent who is a superior authority competent to examine the grievance of the applicant in this behalf, to consider the case of the applicant. ²

4. Accordingly, we direct the applicant to file a detailed representation raising all his grievances against Annexure-A before the second respondent within a week from today. If he files a representation as directed above, the second respondent shall consider it as expeditiously as possible without any delay in the light of the observations in this judgment and till he takes a decision and communicates it to the applicant the order at Annexure-A shall be kept in abeyance.

5. The application is disposed of as above. There will be no order as to costs.


(N. Dharmadan) 27/3/91.
Member (Judicial)


(S.P. Mukerji)
Vice Chairman