

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 480 of 2010

Monday, this the 14th day of June, 2010

CORAM:

Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

K.K. Vijayachandran, aged 58 years, Working as Superintendent,
 Regional Passport Office, Kozhikode. **Applicant**

(By Advocate – Mr. M.K. Chandramohan Das)

V e r s u s

1. Union of India (through), The Secretary, Ministry of External Affairs, South Block, New Delhi.
2. The Joint Secretary (CPV) & Chief Passport Officer, Ministry of External Affairs, South Block, New Delhi.
3. The Regional Passport Officer, Passport Office, Kozhikode.
4. The Regional Passport Officer, Passport Office, Bangalore. **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 14.6.2010, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

The applicant has filed this Original Application aggrieved by Annexure A-1 transfer order dated 22.4.2010 by which the applicant was transferred to Bangalore Passport Office. It appears the case of the applicant is that the applicant is going to retire within two years. That apart he has also got some personal inconvenience with regard to his family welfare as



he has got only one daughter and she is studying in plus two. The further case of the applicant is that as he belongs to a reserved community, he is entitled for some beneficial treatment as per the guidelines issued and followed by the Department for transfer and posting to his home town even at the eve of his retirement. For the above effect the applicant has already filed Annexure A-2 representation. However, this representation has not been considered by the respondents. In the above representation the applicant specifically stated that at the eve of his retirement, he may be given a posting at Malappuram instead of Bangalore. There are vacancies at Malappuram as well as in Kozhikode, there exists 3 vacancies.

2. We have considered the claim of the applicant and we also heard the counsel appearing for the applicant Mr. M.K. Chandramohan Das and Mr. Sunil Jacob Jose, SCGSC counsel appearing for the respondents. The counsel for the respondents Mr. Sunil Jacob Jose, contends that as Bangalore office requires able and senior hands, the present transfer is made. That apart the counsel for the respondents submits that let the applicant first go to Bangalore and join there and thereafter he may apply his representation for re-transfer to Kerala. Further the counsel for the respondents submits that the benefit available to the applicant on the basis of the caste or community may not be a reason for transferring him on administrative reasons.

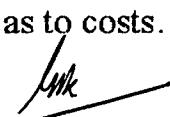
3. We have considered the contentions of the counsel appearing for the parties and we have perused the guidelines issued by the Department and



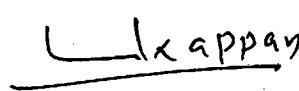
followed by the Department and also the case of the applicant in extenso. We have considered the claim of the applicant that he has to retire within two years and at the eve of his retirement if he is transferred to a farer place from Kozhikode it may affect his family welfare. That apart the applicant has pointed out that there are still senior officials at Kozhikode and there are vacancies existing in Malappuram. We have also seen that there are vacancies still existing in Kozhikode to accommodate the applicant. In the above circumstances even though Annexure A-1 is an order passed by the Department on administrative ground, we feel that in the case of the applicant it can be reconsidered on the above grounds and the applicant may be permitted to retain in the present place. Even if it is necessary to transfer him out he may be posted at Malappuram so that he may live with his family at the eve of his retirement after only taking a journey of just two hours from Kozhikode. Ordered accordingly. It is also directed to the respondents to consider Annexure A-2 representastion of the applicant within 15 days from the date of receipt of a copy of this order in the light of the observations made above. It is made clear that till the disposal of the representation of the applicant he shall not be disturbed from the present place of posting.

4. With the above observation and direction this OA stands disposed of.

No order as to costs.


 (K. GEORGE JOSEPH)
 ADMINISTRATIVE MEMBER

"SA"


 (JUSTICE K. THANKAPPAN)
 JUDICIAL MEMBER