

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 482
T. A. No.

199 2

DATE OF DECISION 24.6.92

M. P. Sasidharan Applicant (s)

Mr. M. C. Cherian Advocate for the Applicant (s)

Versus

Director, CIFNET, Cochin & others Respondent (s)

Mr. N.N. Sugunapalan, SOGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P. S. HABEEB MOHAMED, ADMINISTRATIVE MEMBER

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

Mr. N. DHARMADAN, JUDICIAL MEMBER

The applicant is a member of the Scheduled Caste community, working as Bosun under the first respondent. He has filed this application challenging Annexure-A-2 order by which he was transferred along with the ship in which he was working ^{with} and other employees, to Visakhapatnam.

2. According to the applicant, the transfer itself is illegal because the order has been passed by the respondents while he was original on tour programme to Visakhapatnam for carrying out 'tuna long lineing' upto 25.3.92. As per the original schedule after carrying out

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the work at Visakhapatnam and the ship was to return to Cochin. The applicant received his TA, ⁴and full messing allowance and hotel charges for proceeding to Visakhapatnam. When he received Annexure-II he filed Annexure R-2(b) for cancellation of the said order. Accordingly, accepting the request, the Director passed Annexure R-1(c) treating Annexure R-2(b), an application for cancellation of the transfer order, ^{as 4}and a ⁴further request to transfer him to Cochin. ~~Accordingly,~~ ⁴ In the same order it was mentioned that the transfer of the applicant to Cochin is made on the basis of the request and therefore he is not eligible for TA including joining time.

3. At the time when the matter came up for final hearing, the learned counsel for the respondents submitted that Annexure R-1(c) has not been challenged by the applicant. But the applicant has made sufficient averments in the rejoinder denying the statement of the respondents that Annexure R-1(c) has been passed on the basis of the request. The applicant really wanted cancellation of the impugned order and it is submitted that he has not made a request for transfer to Cochin. However, the applicant is now satisfied with the present transfer to Cochin. His grievance is only with regard to ^{his denial 4}~~his eligibility~~ of TA and other expenses connected with his journey to Cochin pursuant to Annexure R-1(c) order.

4. After considering the matter, we are of the view that this question can be left open so as to enable the applicant to file a detailed representation before the first respondent claiming his TA, DA and other benefits ⁴eligible for him. In the circumstances, we direct the applicant to file a detailed

representation within a period of two weeks from the date of receipt of a copy of this judgment. If such a representation is filed, the first respondent shall consider the claim of the applicant and dispose of the same in accordance with law, not treating the transfer of the applicant from Visakhapatnam to Cochin pursuant to Annexure R-1(c) as a request transfer, and treating the applicant's original transfer from Cochin to Visakhapatnam as having been issued while he was on tour programme under orders from the respondents. This shall be done within a period of four weeks from the date of receipt of the representation on the above lines.

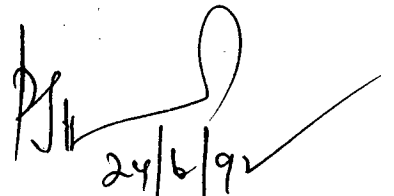
5. The application is disposed of as above.

6. There will be no order as to costs.



24.6.92

(N. DHARMADAN)
JUDICIAL MEMBER



24/6/92

(P.S. HABEEB MOHAMED)
ADMINISTRATIVE MEMBER

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