

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.517/2003.

Monday this the 11th August 2003.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

N.S.Naina Mohammed,
Exhibition Assistant, DAVP,
Government of India, Trivandrum. Applicant

(By Advocate Shri M.R.Rajendran Nair)

Vs.

1. Union of India, represented by the
Secretary, Ministry of Information and
Broadcasting, New Delhi.
2. Director, Directorate of Audio Visual
Publicity, PTI Buildings,
New Delhi. Respondents


(By Advocate Shri P.J.Philip, ACGSC)

The application having been heard on 11th August 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.AV.HARIDASAN, VICE CHAIRMAN

This application is directed against the order dated 18.6.03 by which the applicant, a Junior Grade Officer of Indian Information Service, Group 'B' presently working as Exhibition Assistant, DAVP, Thiruvananthapuram stands transferred and posted as Sub Editor (Tamil), Sainik Samachar, DPR(Defence), New Delhi with immediate effect. Alleging that the applicant came on transfer to Thiruvananthapuram four years back on extreme compassionate grounds that his daughter suffers from 95% impairment of hearing owing to Congenital Sensory Neuro Hearing Disability, that the abrupt transfer of the applicant while his daughter needs special institutionalised treatment and training further will put his daughter's life as also his family into great jeopardy, the applicant has filed this application seeking to set aside the impugned order.



2. The respondents sought to justify the impugned order on the ground that it has become administratively highly inconvenient to continue the applicant in Thiruvananthapuram because the services of a Tamil knowing officer is absolutely essential in Delhi. It has further been contended that there are other administrative reasons for the transfer. However when the matter came up for hearing today, counsel on either side agree that the application may be disposed of permitting the applicant to make a representation to the 1st respondent in regard to his posting within five days from today and directing the 1st respondent that, if such a representation is received, the same shall be considered and an appropriate reply given to the applicant as early as possible and that relief of the applicant may be kept in abeyance till such an order is received.

3. In the light of what is stated above the application is disposed of permitting the applicant to make a representation to the 1st respondent within five days from today in regard to his posting and directing the 1st respondent that if such a representation is received the same shall be considered and disposed of with an speaking order as expeditiously as possible. We also order that till a reply on his representation is served on him, the applicant shall not be relieved on the basis of the impugned order. No costs.

Dated the 11th August, 2003.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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