

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.531/2001

Wednesday, the 18th day of July, 2001.

CORAM;

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

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

V.P.Ayyappan,  
Electrical Engineer and Liaison Officer(SC/ST),  
Central Institute of Fisheries,  
Nautical, and Engineering Training,  
Kochi. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Union of India represented by the  
Secretary to Government of India,  
Department of Animal Husbandry and Diarying,  
Ministry of Agriculture,  
New Delhi.
2. The Director,  
Central Institute of Fisheries,  
Nautical and Engineering Training,  
Kochi-682 018.
3. C.P.Varghese,  
Director,  
Central Institute of Fisheries,  
Nautical and Engineering Training,  
Kochi-682 018. - Respondents

By Advocate Mr Govindh K Bharathan

The application having been heard on 18.7.2001, the Tribunal on  
the same day delivered the following:

O R D E R

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

The applicant, an Electrical Engineer in the Central  
Institute of Fisheries, Nautical and Engineering Training,  
Kochi, has filed this application challenging the order dated

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20.6.2001 of the second respondent transferring the applicant with the post of Electrical Engineer, to CIFNET, Vizag. The applicant has alleged that the transfer of the applicant was motivated by malafides of the second respondent, who has been impleaded as additional 3rd respondent in his personal capacity, and not in public interest. The applicant, therefore, seeks to have the impugned order set aside.

2. Respondents 1&2 have in their reply statement sought to justify the impugned order. The third respondent has filed an affidavit refuting the allegation of malafides levelled against him.

3. After the matter was argued at considerable length, learned counsel counsel on either side submitted that the application may be disposed of without going into the merits of the rival contentions, permitting the applicant to make a representation to the first respondent for his retention at Kochi within a week and directing the first respondent that if such a representation is received, the same shall be considered and disposed of within two weeks thereafter keeping the operation of the A-1 impugned order in abeyance, till a decision of the first respondent on the representation is served on the applicant. Learned counsel of the applicant submitted that if the order of the first respondent would be adverse, the applicant should be given two clear days before he is relieved.

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4. In the light of the submissions of the learned counsel on either side and in the interest of justice, the application is disposed of permitting the applicant to make a representation for his retention at Kochi to the first respondent within a week from today and directing the first respondent that if such a representation is received, the same shall be considered and appropriate reply given to the applicant within two weeks from the date of receipt thereof. We direct that the operation of the impugned order shall be kept in abeyance till a decision of the first respondent on the representation is taken and communicated to the applicant. We further direct that if the decision of the first respondent on the representation would be against the applicant's request, the relief of the applicant shall not be effected until the expiry of two working days after the service of the same on him. No costs.

Dated, the 18th July, 2001.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-1: True copy of the Order No.12-1/96.Adm. dt.20.6.2001 issued by the 2nd respondent.