

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.NO.548/2002

Monday, this the 5h day of August, 2002.

CORAM;

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

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

Y.Neelakanta Iyer,  
MES/124337,  
D'Man Grade-II,  
G.E.(I) R&D,  
Kochi-21.

- Applicant

By Advocate Mr A.X.Varghese

VS

1. Union of India rep. by its  
Secretary,  
Ministry of Defence,  
New Delhi.
  2. Engineer-in-Chief's Branch,  
Kashmir House,  
AHQ.P.O.  
New Delhi.
  3. Chief Engineer,  
Head Quarters,  
Southern Command,  
Pune.
  4. Chief Engineer, R&D,  
Picket, Secunderabad.
  5. Garrison Engineer(I)  
R&D, Kochi.
- Respondents


By Advocate Mr C Rajendran, SCGSC

The application having been heard on 5.8.2002 the Tribunal on the same day delivered the following:

O R D E R


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

The applicant, a Draughtsman, Grade-II, after completing a tenure at Port Blair, was transferred to Cochin in June, 2001. His grievance is that by the impugned order



dated 20.2.2002 on promotion as Draughtsman Grade-I, he has been posted to Ahmedabad. It is alleged in the application that posting the applicant out of Kerala while he has joined Kochi only 10 months ago after completing full tenure in Port Blair, is arbitrary and unjustified especially when posts of Draughtsman Grade-II were filled up without considering the applicant. The applicant submitted a representation for his retention at Cochin which was rejected by A-3 order. Therefore the applicant has filed this application for setting aside A-1 to the extent it affects the applicant and for a declaration that he is entitled to continue in his choice station at Cochin Complex as Draughtsman Grade-I for the whole of his turn over period of minimum three years and for other reliefs.

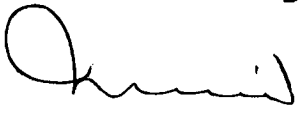
2. We have heard the learned counsel on either side. Learned counsel for the applicant invited our attention to paragraph 18 of the posting/transfer policy of Group 'C' and 'D' personnel of the MES circular vide letter dated 31.8.94 wherein it has been provided that an employee who has completed tenure station<sup>posting</sup> should be accommodated in a station of his choice as far as possible and stated that as the applicant has been given a posting at Cochin, his choice station after a tenure at Port Blair, he is entitled to continue as Draughtsman Grade-I at Cochin Complex. However, it appears that the applicant has forgotten what is contained in Paragraph 19 in the same guidelines that such a benefit is not available in the case of posting on promotion. Since the applicant has been told by the order dated 23.4.2002(A-3) that his request for retention at Cochin could not be acceded to



for want of vacancy and that all those who have been promoted had been transferred out and as the applicant has not challenged that order, we do not find any basis for the applicant's claim for his retention at Cochin on the promoted post. Only if there is a vacancy, the retention of the applicant would be possible.

3. In the light of what is stated above, we do not find even a prima facie cause of action for the applicant which calls for admission of this application and further deliberation. The application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 5th August, 2002.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

trs

A P P E N D I X

**Applicant's Annexures:**

1. A-1 : Photocopy of the Order No.132402/20/EIB(S) dated 20.2.2002 of the 3rd respondent.
2. A-2 : True copy of the representation dated 11.3.2002 given by the applicant.
3. A-3 : True copy of the reply letter dated 23.4.2002 bearing No.10010/Dtmn/69/EIB by the 4th respondent.
4. A-4 : True copy of the representation dated 11.5.2002 given by the applicant.
5. A-5 : True copy of the reply dated 10.6.02 bearing No.10010/Dtmn/77/EIB by the 4th respondent.
6. A-6 : True copy of the order dated 28.5.02 bearing No.132001/11/CML/2001/D'Man-I/82/EIB(S) of the 3rd respondent.
7. A-7 : True copy of the Clarification letter dated 23.12.94 bearing No.79040/EIC(1) issued by the 2nd respondent.

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23.8.02