

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.551/2000

Friday this the 26th day of May, 2000

CORAM

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

N.Sathiamma, wife of K.Muraleedharan Unnithan,
residing at Perumanoor, Kochi employed as
Assistant in the office of the
Regional Passport Officer, Kochi. ...Applicant

(By Advocate Mr. Ashok M Cherian (rep.)

Vs.

1. The Joint Secretary (CPV)
and Chief Passport Officer,
Ministry of External Affairs,
Government of India, New Delhi.
2. Under Secretary (PVA)
Ministry of External Affairs,
New Delhi.
3. The Regional Passport Officer,
Cochin.
4. The Regional Passport Officer,
Trichy.
5. Union of India represented by
Secretary to Ministry of External
Affairs, New Delhi. ... Respondents

(By Advocate Mr. Govindh K Bharathan, SCGSC (rep.)

The application having been heard on 26.5.2000, the Tribunal
on the same day delivered the following:

O R D E R

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

By order dated 5.4.2000 the Ministry of External
Affairs notified transfers of officials in Group 'C'. The
applicant working as Assistant in the Office of the third
respondent was transferred from that office to the office of
the 4th respondent. The applicant as also many others who

a

were affected by the impugned order Annexure.A1 made representations for their retention. By an order dated 10.5.2000 the Joint Secretary, Ministry of External Affairs considering the representations of all the officials allowed the retention of ten officials declining to accept to the request of the rest. The applicant is one whose request was not acceded to. Aggrieved, the applicant has filed this application for setting aside the impugned order A.1 to the extent it affects her and for a direction to respondents not to transfer the applicant without passing a reasoned speaking order on Annexure.A3 representation.

2. It has been alleged in the application that by a general order Annexure.A4 while accepting the request of some of the officials who had requested for retention, the request of the applicant and similar others were turned down without assigning any reason and this action of the respondents lacks application of mind and is therefore unsustainable.

3. I have gone through the application and the annexures appended thereto and have heard Shri Ashok M Cherian, learned counsel of the applicant and the counsel appearing on behalf of Shri Govindh K Bharathan, SCGSC, learned counsel appearing for the respondents. It is alleged in the application that the applicant is orthopaedically handicapped to the extent of 55%, that her children are studying in school, that one of them will be in

✓

the 10th standard during the next academic year, and that her transfer would effect the study of her children adversely.

4. The learned counsel of the applicant with considerable vehemence argued that the personal problems projected in the applicant's representation were not specifically considered and reason has not been given as to why the request of the applicant could not be acceded to. According to him A4 order is devoid of application of mind. It is pertinent to mention here that the applicant has not sought to have the A4 order set aside. Further while an authority competent to consider representations of a number of officials for retention in the place of posting cancelling the order of transfer, it is not bound to analyse the facts mentioned in each application and to pass an order like a judicial or quasi judicial order, because granting the request for retention or enforcing the order of transfer are purely administrative actions. In such routine administrative matters, it is neither obligatory nor practicable to write detailed orders mentioning each and every aspects projected in individual representations. From A4 it is seen that the competent authority considered the request of many and granted retention in cases which according to it was most appropriate and deserving. As there is no allegation of malafides or total arbitrariness, I do not find any reason for entertaining this application.

~

.4.

4. In the result, in the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 26th day of May, 2000


A.V. HARIDASAN
VICE CHAIRMAN

S.

List of annexure referred to:

Annexure.A1: A true copy of the Order No.V.IV/584/3/99 dated 5.4.2000 of the 2nd respondent.

Annexure.A3: True copy of the representation submitted by the applicant before the 1st respondent dated 12.4.2000.

Annexure.A4: A true copy of the circular dated 10.5.2000 of the 2nd respondent addressed to various passport offices, communicated by fax.

...