

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.559/98

Tuesday this the 16th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

M.C.John,
Moothedath House, Thenginthara,
Melood PO, Adoor.

Applicant

(By Advocate Mr. N.Nagaresh)

Vs.

1. Chairman, Central Water Commission,
Seva Bhavan, R.K.Puram,
New Delhi-66.

2. Executive Engineer,
Central Water Commission,
Upper Krishna Division,
44, Gultekdi Industrial Estate,
Pune-411 037.

...Respondents

(By Advocate Mr.S. Radhakrishnan, ACGSC (rep.))

The application having been heard on 16.6.98, the Tribunal
on the same day delivered the following:

O R D E R

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

The applicant who is a Khalasi under the
Central Water Commission posted at Anjari, Pune presently on
long leave and residing in Kerala has filed this
application for a direction to the 2nd respondent to
consider his representation (A8) dated 2.6.97 wherein he
had requested for a transfer to his own State or to permit
him to retire voluntarily. He has alternatively prayed for
a direction to the respondents to give a transfer to any
work site in Southern Circle setting aside A7. A7 is a
copy of the order by which his representation was
considered and rejected.

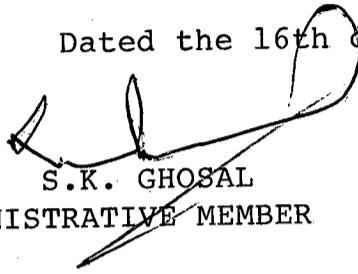
2. When the application came up today for hearing, learned counsel for the applicant states that the prayer in Sub para (i) of Para 8 of the application relating to voluntary retirement need not be considered in this application and that the applicant would seek appropriate remedy at appropriate time, if he is so advised. He states that his prayer for a direction to the respondents to give the applicant a transfer to any work site in the Southern Circle alone may be considered setting aside A7.

3. We have heard Shri Nagaresh, learned counsel for the applicant and the Addl. Central Government Standing Counsel for the respondents. Pursuant to the orders of the Tribunal in O.A.926/95 the respondents have considered the request of the applicant for a transfer to Southern Circle and have told him by order dated 10.2.97 (A7) that as large number of Casual Mazdoors are waiting for regularisation as Khalasis and as the transfer of the applicant from Pune to Kerala or to the Southern circle would block the chances of Seasonal Khalasis to be regularised, it has been found not feasible to accept the request of the applicant. The applicant states that his transfer to Southern Circle would stand in the way of Seasonal Khalasis being regularised is not a good reason and that therefore, the impugned order is liable to be struck down. We are not impressed with this argument. The respondents have considered the feasibility of granting a transfer to the applicant to Southern Circle but found that the need to regularise Seasonal Khalasis is more important than giving a transfer to the applicant, who is holding a regular job.

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4. We are of the considered view that the grounds taken by the respondents are logical, reasonable and just and does not call for any interference. The application, is therefore, dismissed. No costs.

Dated the 16th day of June, 1998.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A7: Office Memorandum No.C-18013/7/95.Estt.XII/266 dated 10.2.1997 of the first respondent.
2. Annexure A8: Representation dated 2.6.1997 submitted to the second respondent.

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