

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.571 of 2000.

Wednesday this the 31st day of May 2000.

CORAM:

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

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K. Micle, Assistant,
Regional Passport Office,
Cochin-36.

Applicant

(By Advocate M/s Santhosh and Rajan)
Vs.

1. Union of India represented by the Secretary, Ministry of External Affairs, Government of India, South Block, New Delhi-1
2. Chief Passport Officer, Ministry of External Affairs, Government of India, South Block, New Delhi.
3. The Regional Passport Officer, Panampilly Nagar, Kochi -3
(By Advocate Shri Govindh K. Bharathan, SCGSC) Respondents

(The application having been heard on 31st May 2000

the Tribunal on the same day delivered the following:

ORDER

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

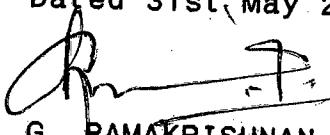
The applicant an Assistant working in the Regional Passport Office, Cochin, by an order dated 5th April 2000 (Annexure A-2) was transferred to Bangalore. Many others were also transferred by the A-2 order. The applicant as also some others who have been transferred made representation claiming retention projecting their individual problems. The competent authority as a Consideration of all the representations, issued an order dated 10.5.2000 (A6) by which requests of ten officials for retention was accepted

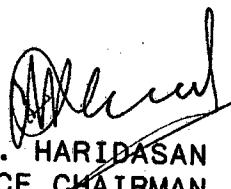
while the requests of others were not acceded to. The applicant's request for retention was not granted. As per order dated 17.5.2000, Annexure A4 the applicant is to be relieved on 31.5.2000. It is aggrieved by that the applicant has filed this application challenging A2 and A4 order to the extent they relate to him. It is alleged in the application that since the applicant is physically handicapped to the extent of 50%, on account of partial paralysis of his legs, the respondents have violated the Government instructions which provide that Physically handicapped employees should be as far as possible posted near to their native places, that his representation has not been properly considered and that therefore the order of transfer and relief are unsustainable.

3. We have perused the application and also heard the learned counsel on either side. The learned counsel of the applicant argued that Annexure A6 order lacks application of mind as the matter projected in his representation are not dealt with while declining his request and therefore, Annexure A2 and A4 orders to the extent they relate to him are unsustainable. We find little merit even *prima facie* in this argument. Annexure A6 is a purely administrative order when it is neither obligatory nor practicable to discuss and decide each aspects mentioned in the individual representations. The competent authority has applied its mind to the requests of many officials for retention and agreed to retain some within the administrative feasibility. We do not find any arbitrariness or illegality in the action. There is no allegation of malafides. Therefore there is no reason to entertain this application challenging routine administrative orders Annexure A2 and A4 which relate the transfer and posting.

4. The application is, therefore, rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated 31st May 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

Annexure A2: True copy of the Order No. V. IV/584/3/99 dated 5.4.2000 is issued by the 1st respondent.

Annexure A4: True copy of the Order No. CHN/661/1/2000, dated 17.5.2000 issued by the 3rd respondent.

Annexure A6: True copy of the order dated 10.5.2000 issued by the 1st respondent.