

FINAL ORDER  
10-9-1987

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

No. O.A. 581/86

K. C. Krishnan Nair

Applicant

Vs.

K.S. Unnithan,

The Regional Officer, Directorate of Field Publicity, Government of India, X  
Upplam Road, Trivandrum X

V. Madhusoodhanan Nair,  
Field Publicity Assistant (L.R.)  
Regional Office, Trivandrum X

Respondents

The Secretary, Ministry of  
Information and Broadcasting, X  
New Delhi. X

M/s. K. Kurian Joseph  
George K. Thekkel  
& P. K. Santhamma

Counsel for the  
applicant

Shri P.V. Madhavan Nambiar, SCGSC

For respondent No.  
1 & 3

M/s. K. Ramakumar

For respondent No. 2

**CORAM:**

Hon'ble Shri G. Sreedharan Nair,  
Judicial Member

ORDER

This application is filed by a Field Publicity Assistant attached to the Directorate of Field Publicity challenging the order dated 4.4.1986 transferring him from Trivandrum to Cannanore. It is urged that the applicant was able to secure a posting at Trivandrum only in the year 1980, and that during the entire period of his earlier service, he was working outside. It is stated that he is suffering from very high blood pressure and is on treatment. It is also urged that from April, 1986 onwards, the salary of the applicant has not been released.

2. A reply has been filed by the respondents wherein it is contended that it was on the basis of the request of the applicant that he was posted at Trivandrum in 1980. Though he was due for a transfer in 1984, for accommodating others turn by turn, in view of his request, he was continued. In order to evade the order of transfer, the applicant absented himself from duty and later sent application for leave. It was only thereafter he joined duty at Cannanore. Explanation has been called for from the applicant for his absence and the payment of salary for the period of absence will be considered after regularising his absence.

II From the pleadings, it is clear that the impugned order of transfer has been passed in the exigencies of service. Admittedly, the applicant had been working at Trivandrum from the year 1980 onwards. It is specifically stated in the reply that others also have to be given the benefit of posting at Trivandrum. It may be noted that the applicant got the posting on his request. That the ~~undergoing~~ applicant is ~~undergoing~~ undergoing treatment is no ground for challenging the order for transfer. He can continue to have the treatment in case the ailment is continuing, even at Cannanore. In the circumstances, I am not persuaded to hold that the order of transfer requires interference, and as such the prayer is hereby disallowed.

3. The Counsel for the applicant submitted that from April, 1986, the applicant is not being paid his salary. According to the respondents, explanation has been called for from the applicant for his unauthorised absence and after considering the matter alone, the disbursement of the salary can be had. Now that the applicant has joined duty at Cannanore, the respondents shall expedite the matter and disburse the pay and allowance ~~was~~ <sup>is</sup> legally due to the applicant as expeditiously as possible.

4. Subject to the aforesaid direction, the application is dismissed.

  
(G. Sreedharan Nair)  
Judicial Member

Index: Yes/No