

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 609

1992

DATE OF DECISION 16.9.92

K.K. George _____ Applicant (s)

Mr. M.R. Rajendran Nair _____ Advocate for the Applicant (s)

Versus

The Director General of Light Houses, & Light Ships, New Delhi and others _____ Respondent (s)

Mr. V. V. Sidharthan, ACGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

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1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicant is aggrieved by Annexure-I transfer order by which he has been transferred from Kovilthottam to Pandian Tivu.

2. When the applicant was originally transferred from Kovilthottam to Ramayapatnam, he filed O.A. 380/91 after submitting representation against the transfer. He ~~has~~ contended that persons who have not served anywhere outside Kerala are retained in Kerala State whereas the applicant who has worked in a number of stations outside Kerala from 1967 onwards was again transferred to a place outside Kerala and the said transfer is against the policy guidelines of the Govt. After hearing learned counsel for both parties, the Tribunal disposed of the application with the following directions:

"Accordingly, I direct the first respondent to consider Annexure-II in the light of the above

observations and pass appropriate orders within a period of three months. In the meantime, the first respondent should consider the posting of the applicant in any other vacant post of Headlight keeper in Kerala nearer to Kovilthottam, if he cannot be accommodated in Kovilthottam for any reasons stated in the reply. Till a decision is taken by the first respondent as directed above on Annex-II the impugned order Annexure-I may be kept in abeyance with the freedom to post him to a post in Kerala as indicated above."

3. According to the applicant, after the judgment, the Director General has not passed any order disposing of his representation, but the impugned order has been issued transferring the applicant from Kovilthottam to Pandian Tivu.

4. At the time when the application was admitted on 27.4.92, we have directed respondents to maintain status quo regarding applicant's continuance at Kovilthottam.

5. Respondents filed a reply and produced Annexure R-1 order of the Director which indicates that the transfer of the applicant from Kovilthottam has been cancelled.

6. When the case came up for final hearing, learned counsel for applicant submitted that the third respondent who was transferred from Kilakkrai to Kovilthottam is to retire from service on 31.12.92 and consequently a vacancy arises in Kerala State so as to consider the claim of the applicant in implementation of the observations contained in Annexure-II judgment. The applicant also submitted that he will submit a representation, raising his claim for posting at Kovilthottam, before the first respondent.

7. Having heard learned counsel for both sides, I am of the view that this application can be disposed of directing the applicant to file a representation as indicated within two weeks from the date of receipt of this judgment above before the first respondent. If such a representation is received by the first respondent, it shall be disposed of as expeditiously as possible, at any rate, before retirement of the third respondent.

8. The interim order dated 27.4.92 and extended from time to time is vacated. Respondents 1 & 2 are free to

implement Annexure-I order and the applicant should be relieved only for accommodating the third respondent when he reports for duty.

9. The application is accordingly disposed of.

10. There will be no order as to costs.

 16.9.92

(N. Dharmadan)
Judicial Member

16.9.92

kmm