

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.614/2002

Thursday this the 29th day of August, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Muraleedharan Nair, aged 41 years  
S/o Kesava Pillai, Draughtsman Grade II  
Office of the Garrison Engineer,

Air Force, Pulayanar Kotta,  
Thurvaickal PO, Trivandrum.

...Applicant.

(By Advocate Mr. TC Govindaswamy)

V.

1. Union of India represented by the Secretary to Government of India, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Kashmir House, Army Headquarters PO, New Delhi.
3. The Chief Engineer, Headquarters Southern Command, Pune 411001.
34. The Chief Engineer (Air Force) No.2 DC Area, MES Road, Bangalore.
5. The Commander Works Engineer (Air Force) Thirumala POst, Thiruvananthapuram.6.
6. Garrison Engineer (Air Force) Thuravaickal Post, Pulayanarkotta, Thiruvananthapuram. ...Respondents

(By Advocate Mr. C. Rajendran, SCGSC)

The application having been heard on 29.8.2002, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant, Draughtsman Gr.II was placed in the higher scale of Rs.5500-9000 under the Assured Career Progression Scheme. However, on promotion as Draughtsman Gr.II in the same pay scale by the impugned

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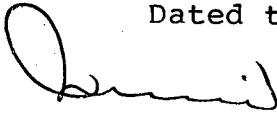
order Annexure.A1 dated 20.2.2002 he was transferred and posted to Wellington, Nilgris. Aggrieved by the transfer the applicant made a representation to which he received a reply Annexure.A2 dated 27.4.2002 by the third respondent rejecting his claim for retention on the ground that in the absence of a post in the grade, he had to be transferred out. Thereafter, the applicant submitted another representation Annexure.A6 on 10.6.2002 to the third respondent which was strongly recommended by the Garrison Engineer (Annexure.A7) as also the Commander Works Engineer (A8). However, this representation has not yet been disposed of. Apprehending that he would be relieved from the present place of posting the applicant has filed this application seeking to set aside Annexures.A1 and A2 orders to the extent it affect the applicant and for a direction to the respondents to grant the applicant the benefit of promotion of Draughtsman Gr.I retaining him at Trivandrum itself.


2. When the application came up for hearing, SCGSC Shri C.Rajendran took notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of directing the third respondent to consider <sup>and dispose of</sup> Annexure.A6 representation taking into account the recommendations made by the 5th and 6th respondents in their forwarding letters Annexures.A7 and A8 within a reasonable time keeping the relief of the applicant pursuant to Annexures.A1 and A2 <sup>in abeyance</sup> till a reply on the representation is served on the applicant.

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3. In the light of the submission of the learned counsel on either side, the application is disposed of directing the third respondent to consider Annexure.A6 representation of the applicant keeping in view the recommendations made by the respondents 5 and 6 in their forwarding letters Annexures.A7 and A8 and to give the applicant an appropriate reply as expeditiously as possible keeping the relief of the applicant pursuant to the impugned orders in abeyance till a reply on the representation is served on the applicant. No costs.

Dated the 29th day of August, 2002

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

A P P E N D I X

1. A-1 : True copy of order No.132402/20/2081/E1B(S) dated 20.2.2002 issued by the 3rd respondent.
2. A-2 : True copy of Letter No.132402/20/2158/E1B(S) dated 27.4.2002 issued by the 3rd respondent.
3. A-3 : True copy of letter bearing No.49040/E1C (i) dated 31.8.94 issued by the 2nd respondent.
4. A-4 : True copy of applicant's representation dated 6.3.2002 addressed to the 3rd respondent.
5. A-5 : True copy of the verification proforma submitted by the 6th respondent dated 8.3.2002.
6. A-6 : True copy of applicant's representation dated 10.6.2002 addressed to the 3rd respondent.
7. A-7 : True copy of letter dated 12.6.2002 submitted by the 6th respondent addressed to the 5th respondent.
8. A-8 : True copy of letter bearing No.10024/DM/164/E1B dated 19.6.02 of the 5th respondent.
9. A-9 : True copy of order bearing No.122011/AF/491/E1B (S) dated 24.7.02 of the 4th respondent.

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4.9.02