

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 617/90  
~~XXXXXX~~

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DATE OF DECISION 3.8.90

K. Gopalakrishnan Applicant (s)

M/s M. Rajasekharan Nayar Advocate for the Applicant (s)  
& John K. Joseph  
Versus

Chief of Naval Staff Respondent (s)  
and others

Mr. NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V. Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? 77
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the Judgement? ~
4. To be circulated to all Benches of the Tribunal? ~

JUDGEMENT

(Hon'ble Shri A.V.Haridasan, Judicial Member)

In this application under Section 19 of the Administrative Tribunals Act, the applicant who is working as Foreman of stores in the Naval Aircraft Yard, Cochin has challenged the order at Annexure-II dated 6th July, 1990 of the 1st respondent to the extent of transferring him to Visakhapatnam. In the application it has been averred that this transfer before allowing him to complete the term of atleast three years for the purpose of accommodating the 4th respondent is violative of the norms regarding transfer. It has, <sup>further</sup> ~~been~~ <sup>been</sup> averred that even in case it is

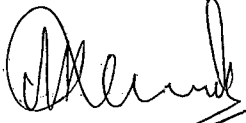
necessary to accommodate the 4th respondent, since there are other persons who had a longer stay at Cochin, the decision to transfer him out is arbitrary and discriminatory. On these grounds the applicant has filed this application to quash the impugned order of his transfer.

2. Since the matter is one relating to a routine administrative matter like transfer, we thought it fit to hear the respondents 1 & 2 before admitting the application. In the meanwhile we directed the learned counsel appearing for respondents 1 & 2 to find out whether any other person having a longer stay at Cochin has been retained while deciding to transfer the applicant out of Cochin. The learned counsel for the respondents 1 & 2 submitted that one Mr. George has been here since a few months earlier than the applicant and that the decision to retain him was taken taking into account the fact that he is retiring in the month of February, 1992. The learned counsel for the respondents 1 & 2 submitted that the decision to give the 4th respondent <sup>a</sup> posting at Cochin has been taken considering his representation.

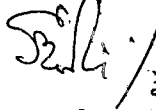
3. Having heard the learned counsel we find that the impugned order does not per se appear to be arbitrary or violative of principles of natural justice or any articles of the Constitution. However, being only a

routine administrative matter like transfer, we are of the  
view that it will <sup>not</sup> be proper for us to intervene at this stage.  
The applicant may after carrying out the impugned order of  
transfer make a representation to the first respondent,  
who may consider the matter sympathetically and try to accommo-  
date him at the earliest at Cochin.

4. With the above observations, the application is  
dismissed without being admitted. There will be no order  
as to costs.

  
(A.V. Haridasan)  
Judicial Member

3/8/90

  
(S.P. Mukerji)  
Vice Chairman

3.8.90

Ksn.