

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.1/2006

TUESDAY THIS THE 3rd JANUARY 2006

C O R A M:

HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

M.K.Asraph, S/o M.B.Kareem,
Junior Engineer (Civil) Garrison Engineer (E/M)
Naval Base, Kochi
R/o Maruthomkudy House, Edathala, Aluva.

Applicant.

(By Advocate Mr.K.P.Dandapani)

Vs.

- 1 Union of India represented by the Secretary
Ministry of Defence, South Block, New Delhi.
- 2 The Chief Engineer, MES
Southern Command, Pune.
- 3 The Chief Engineer (NW), Kochi
Naval Base, Kochi.
- 4 Garrison Engineer(E/M)(NW)
Naval Base, Kochi.

Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan, SCGSC)

O R D E R

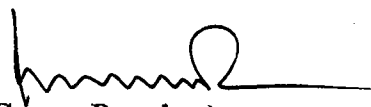
HON'BLE SMT.SATHI NAIR, VICE CHAIRMAN

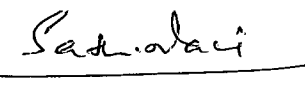
The applicant is a Junior Engineer (Civil) working under the 4th respondent. According to him he has served in hard tenure stations and was transferred to Kochi in the year 2002. By Annx.A2 order dated 12.5.2004 he was transferred alongwith others to Mumbai, where upon he alongwith another applicant had approached this Tribunal in OA 133/05. An interim direction was issued by this Tribunal not to relieve the applicant from the present place of posting and not to fill up the vacancy by making recruitment. Thereafter an M.A had been filed stating that the respondents have already assured to cancel the impugned posting order in respect of the applicants. In view of the said submission, the O.A was dismissed as withdrawn with liberty to file a fresh O.A. The

respondents have continued the applicant vide Annx.A4 order dated 10.5.05 and had taken up the matter with the higher authorities to provide suitable replacement. It is now the contention of the applicant that by way of communication dated Annx.A7 dated 29.9.05 the 2nd applicant in O.A 133/05 and the applicant herein are proposed to be moved to the station where they were transferred by the earlier order. It is the submission of the counsel for the applicant that the orders in respect of Sh.P.Abdulla has been already implemented and he has joined the new place of posting, therefore, the applicant's apprehension is that his order will be implemented also at any time. The applicant had submitted a representation Annx.A6 dated 19.9.05 which is still pending. However, it is submitted by the counsel for the applicant that since further developments have taken place after the representation, the applicant may be provided with another opportunity to give a comprehensive representation to the respondents in the light of the earlier contentions and grounds raised now, especially para 4(d). The respondents' counsel submitted that if such a representation is received they will consider the same.

2 In view of the submissions made, we are of the view that the O.A can be disposed of at this stage with the direction to the applicant to submit a comprehensive representation to the 2nd respondent within one week and thereafter the 2nd respondent shall dispose of the same in the light of the grounds raised therein and communicate a decision within 4 weeks from the date of receipt of such representation to the applicant. Till then, status quo as on date shall be maintained in respect of the applicant's posting.

The O.A stands disposed of.


(George Paracken)
Judicial member


(Sathi Nair)
Vice Chairman.

kkj