

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.84/98

Friday this the 16th day of January, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

V.M.Purushothaman,
Peon,
Defence Pension Disbursing Office,
Kottayam.

...Applicant

(By Advocate Mr. M.Rajagopalan)

Vs.

1. Controller of Defence Accounts,
506 Anna Salai,
Madras.18.
2. Defence Pension Disbursing Officer,
Kottayam.

...Respondents

(By Advocate Mr. Rajesh Sagar rep.Shri S.Radhakrishnan)

The application having been heard on 16.1.1998 the Tribunal on the same day delivered the following:

O R D E R

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

Applicant is an Ex-serviceman employed as a Peon under the second respondent. He was discharged from the Army on medical grounds as he was suffering from chronic breathing trouble. Initially he was posted at Delhi. On his representation for a posting near to his home town, he was transferred to Kottayam where he was working since 1988. The grievance of the applicant presently is that by the impugned order dated 12.1.98 (A3) he has been transferred to Cannanore and he is to be relieved on 16.1.98 (AN). It is alleged in the application that the

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applicant is suffering from chronic breathing trouble, that his children are school going and that a transfer at this stage to a place like Cannanore would bring about undue hardship to him. Explaining these problems, the applicant had made a representation immediately on receipt of the impugned order on 14.1.98. Since the impugned order states that the applicant would be relieved on the afternoon of 16th January, 1998 the applicant has come forward with this application without waiting for a reply to the representation and seeks to have the impugned order of transfer quashed.

2. It has been alleged in the application that in the guidelines in regard to transfers and postings, transfer of Class IV employees to a distant place is to be made only in exceptional circumstances and that as no such circumstance exists the order is not sustainable.

3. When the application came up for hearing today, learned counsel appearing for the respondents stated that the application may be disposed of with a direction to the first respondent to consider the representation and to give the applicant a speaking order within a reasonable time and that till such time an order is served on the applicant, the applicant would be retained at Kottayam itself.

4. In the light of the submission made by the learned counsel appearing for the respondents, we dispose of this application with a direction to the second respondent to consider the representation submitted by the applicant (A4) taking into account the fact that the applicant was


discharged from the army as a disabled person, his present physical condition and domestic circumstances in the light of the guidelines in regard to transfer and posting of Class IV employees and to give the applicant a speaking order within a period of one month from the date of receipt of a copy of this order. We also direct that till a speaking order is passed and communicated to the applicant, the applicant shall not be relieved from Kottayam to give effect from the order of transfer.

5. Learned counsel for the respondents undertakes to inform the respondents of this order forthwith. There is no order as to costs.

Dated the 16th January, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A3: Order No.DPDD/KTM/AN/CONEDL/04 dated 12.1.1998 issued by the DPDD Kottayam.
2. Annexure A4: Representation dated 14.1.98.

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