

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
T.A. No.

85

1992

DATE OF DECISION 11.2.92

Mathew T. J. Thekkakara \_\_\_\_\_ Applicant (s)

Mr. Asok M. Cherian \_\_\_\_\_ Advocate for the Applicant (s)

Versus

Regional Director, Regional Office (Kerala)  
ESIC, Panchdeep Bhavan, North Swaraj Round  
Thrissur and others

Respondent (s)

Mr. C. S. Rajan \_\_\_\_\_ Advocate for the Respondent (s) 1 & 2

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
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

who *is*

The applicant *is* working as UDC under the first

respondent at Thrissur, seeks to quash his transfer as

per Annexure A-I dated 13.1.1992 from Thrichur to Kottarakkara

mainly on the ground that he has worked on various places

and came to Thrissur in August, 1991 on his request without *any*

*and that after having longer stay are entitled to Thrissur*  
even getting T.A. *He has also submitted that his wife is*

employed at Guruvayoor, and it will be inconvenient if

he is transferred to Kottarakkara. It is also alleged that

*the transfer is illegal, unjust, and discriminatory and*

*arbitrary and the transfer is also not effected in the*

*exigency of service.*

*b*

2. The respondents have filed a detailed reply statement and submitted that there is no malafide against the transfer and it has been effected in the exigency of service taking into consideration the necessity of posting the applicant at Kottarakkara.

3. Annexure-I order dated 13.1.92 appears to be a general transfer order effected in the interest of the service.

The applicant vehemently contended that persons having <sup>seniority</sup> longer years of stay in the station have not been considered for transfer. On the other hand, the applicant, who came to Thrissur on his own request without T.A. could not even continue for more than 1½ years, <sup>has been by</sup> ~~and hence~~ disturbed from Trichur <sup>in an arbitrary manner.</sup> It is also contended that there is no guidelines for effecting transfer. But the respondents have produced an affidavit of the General Secretary ~~for and on behalf of~~ <sup>4</sup> Employees' State Insurance Corporation Employees' Union Kerala, Trichur in which the applicant is also a member, indicating the guidelines for transfer. They <sup>replies</sup> have stated that strictly in accordance with the guidelines as agreed to by the Union, the transfer has been effected. The applicant does not deny the fact that he is a member of the Union. But he submitted that the fact that there is no written agreement between the Union and the Employer that the guidelines <sup>4</sup> discussed in the matter of transfer could be followed.

4. However, after perusal of the documents and after hearing the arguments advanced by the learned counsel for the

applicant, we are of the view that the present transfer of the applicant has been effected on the exigency of the service and there is no circumstances warranting our interference. Accordingly, we are not inclined to accept the contentions raised by the applicant to quash Annexure-A-1 impugned order. We see no merit in the application and it is only to be dismissed. Accordingly, we dismiss it. There will be no order as to costs.

*N. Dharmadan*  
4.2.92

(N. DHARMADAN)  
JUDICIAL MEMBER

*V. Krishnan*  
11.2.92

(N. V. KRISHNAN)  
ADMINISTRATIVE MEMBER

kmn