

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.9/2006

Tuesday this the 23 rd day of May 2006.

CORAM:

HON'BLE MR.N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Smt. R. Money, W/o K. Viswanathan,
Upper Division Clerk,
Office of the Garrison Engineer(Independent),
(Naval Works) Fort Kochi. Applicant

(By Advocate Mr.P.K.Madhusoodhanan)

Vs.

1. The Chief Engineer, Head Quarters,
Southern Command, Pune-1.
2. The Garrison Engineer(Independent)
(Naval Works), Fort Kochi.
3. Union of India, represented by its Secretary,
Ministry of Defence, Kashmir house,
New Delhi. Respondents

(By Advocate Mrs. Mini R. Menon, ACGSC)

The Application having been heard on 23.5.2006
the Tribunal on the same day delivered the following

ORDER

HON'BLE MR. N.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Learned counsel for the applicant made certain important points about the need for the applicant's retention at Cochin. They are;

- (a) for being together with her husband;
- (b) for being able to attend her father, who is a Leukemia Patient ; and
- (c) for treatment to her own Asthma.

In fact, the applicant was transferred from Wellington to Kochi for treatment of her Asthma complaint. Learned counsel points out that, three other co-workers who are station seniors to the applicant have not been moved as yet though they are covered by the same Annexure A-2 order. According to the counsel for the applicant, ten vacancies are still available at the level of UDC at Cochin for



possibly accommodating the applicant. The applicant has no case that the impugned transfer order is questionable on grounds of incompetence of the authority who issued transfer order or illegality or with malafides, i.e. the three parameters prescribed by the Hon'ble Apex Court relating to transfer. Learned counsel for the respondents contends that, the retention of the applicant at Cochin on the grounds of father's illness, is not one of the grounds as per the present policy.


2. Learned counsel for the applicant would urge that the applicant may be permitted to make a representation to the authorities concerned for reconsideration of her case, especially, in the light of the claim made i.e. 10 vacancies at Cochin are available for possibly accommodating her. Learned counsel for the respondents has no objection to pursue the course of action.

3. In the circumstances, I direct the applicant to make a self contained representation covering all the points, to the authorities concerned within a period of one week from the date of receipt of a copy of this order and the same authority shall consider all the issues raised by the applicant in the representation, take an appropriate decision and communicate a speaking order to the applicant within a period of three weeks thereafter.

4. Till such communication, the status quo shall continue.

5. O.A. is disposed of as above. No costs.

Dated the 23rd May, 2006.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMBER