

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 100 1991
~~XXXXXX~~

DATE OF DECISION 18.1.1991

U Cheria Applicant (s)

Mr.K.K.Balakrishnan Advocate for the Applicant (s)

Versus

UOI rep. by Secy., Min. of Respondent (s)
Telecom., Nirman Bhavan, GOI, New Delhi & 2 others

Mr George Joseph, ACGSC Advocate for the Respondent (s)

CORAM:

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

and

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

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

(Mr.S.P.Mukerji, Vice Chairman)

We have heard the learned counsel of the parties on this application in which the applicant who had been transferred from Tripunithura to Ambalamedu in the year 1989 wants a transfer back to Tripunithura on medical ground, being a heart patient. His representation dated 3.3.1989, at Annexure-A3 was disposed of by the impugned order at Annexure-A1/indicating that there was no vacancy at Tripunithura "hence the request can be considered only when the vacancy arise". The learned counsel for the applicant states that a vacancy is likely to arise at

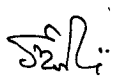
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Tripunithura in the near future and he apprehends that the vacancy will be filled up without considering the applicant's request.

2. Primafacie, considering ^{the} distance between Tripunithura and Ambalamedu, we do not see much point in judicial intervention especially at this stage when no vacancy ~~has~~ ^{been} indicated to have/arisen at Tripunithura.

However, we presume that as and when a vacancy arises at Tripunithura, the respondents will definitely consider the applicant also in view of the assurance given to him at Annexure-A1. In the circumstances, we admit the application and dispose of the same after hearing the learned counsel for the parties with the direction that the next vacancy at Tripunithura for the post of Technical Supervisor should be filled up by the respondents only after taking into account the request of the applicant and the assurance given to him. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

18.1.1991