

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 156 of 1999.

Monday this the 8th day of February, 1999.

CORAM:

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

P.N. Chandran,
S/o Narayana Pillai,
Assistant Audit Officer,
P&T Audit Office, Trivandrum.
(TC 9/2364, Sreerangam Lane)
Sasthamangalam, Trivandrum.)

.. Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Senior Audit Officer-in-Charge,
P&T Audit Office, Vth Floor,
Corporation Buildings,
Trivandrum - 695 003.

2. The Director General (Audit), P&T,
New Delhi.

3. Union of India, represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi.

4. Additional Deputy Comptroller &
Auditor General (P&T),
Civil Lane, Delhi-54.

.. Respondents

(By Advocate Shri Vijayakumar, ACGSC)

The application having been heard on 8th February, 1999
the Tribunal on the same day delivered the following:

O R D E R

The applicant who commenced service as an Auditor in the P and T Audit Office, Trivandrum on 16.4.1970 was first promoted as Section Officer on 8.4.76 and was later promoted as Assistant Audit Officer on 1.4.84. To his misfortune, the applicant is suffering from chronic cardiac ailment. He suffered two heart attacks one in the year 1989 and the other in 1996. He had undergone coronary by pass surgery in 1996 in the Sree Chithra Thirunal Institute of

Medical Sciences, Trivandrum in the year 1996 and is undergoing periodical checkups and treatment. Owing to his ailment, he was not in a position to shoulder higher responsibilities of the post of Auditor and therefore, when he was promoted in earlier years he declined to accept the promotion. Apprehending that the applicant would be promoted again, he made representation to the second respondent (A2) declining all further promotions in future explaining that he would not be able to cope up with the requirements of higher posts even if he is posted in Kerala itself on promotion. He followed it up with a reminder dated 8.1.99 (A3). Despite this, by A-4 order the applicant has been informed that he has been promoted and allotted to Mumbai. It is also understood that the relieving order of the applicant has been despatched already. The applicant, therefore, made A.5 representation on 4.2.99 to the second respondent explaining his difficulties and making it clear that it would be practically impossible for him to perform the duties of the post of Audit Officer and requesting him to withdraw the order of promotion of the applicant as Audit Officer. This representation is yet to be considered and disposed of. Apprehending that the applicant would be relieved from his present posting, the applicant has filed this application for a declaration that the applicant's refusal of promotion permanently is to be accepted and for a direction to the respondents to retain the applicant in the present post of Assistant Audit Officer till his retirement.

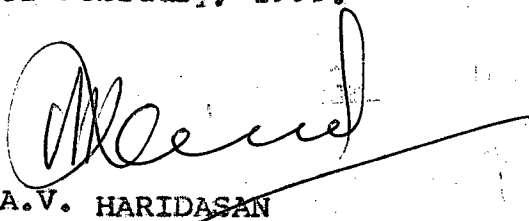
3. When the application came up for hearing the learned Additional Central Government Standing Counsel Mr. Vijayakumar, stated that the application may be disposed of

contd.....

with a direction to the second respondent to consider the A.5 representation of the applicant and to give him an appropriate reply within a reasonable time keeping the relief of the applicant pursuant to A.4 in abeyance. The learned counsel for the applicant states that the above suggestion would meet the ends of justice and that the second respondent may be directed to give proper consideration to the grounds raised by the applicant in his representation.

4. In the light of what is stated above and as agreed to by the learned counsel for the parties, the application is disposed of with a direction to the second respondent to consider the request made by the applicant in A.5 representation sympathetically, in the light of the fact that the applicant is a chronic cardiac patient who had already undergone by-pass surgery, and to give him an appropriate reply within a period of one month from the date of receipt of a copy of this order. I also direct that the applicant shall be retained in the present place of posting till a decision as aforesaid is communicated to the applicant on his representation (A.5). No order as to costs.

Dated this the 8th day of February, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

rv.

LIST OF ANNEXURES

1. Annexure A2: True copy of the representation dated 10/98 submitted by the applicant to the 2nd respondent.
2. Annexure A3: True copy of the representation dated 8.1.99 submitted by the applicant to the 4th respondent.
3. Annexure A4: Truecopy of the Order No.1656/Admn I/EAI/C-23V dated 4.2.99 issued by the 1st respondent to Sri.P.S. Ramakrishnan, Assistant Addit Officer.
4. Annexure A5: True copy of the representation dated 4.2.99 submitted by the applicant to the 2nd respondent along with all the enclosures.

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