

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA 161/99

Monday the 8th February 1999.

CORAM

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

Alexander Varghese  
S/o M.A.Varghese  
Assistant Audit Officer  
P&T Audit Office  
Trivandrum.

...Applicant

(By advocate Mr M.R.Rajendran Nair)

Versus

1. The Senior Audit Officer-in-Charge  
P&T Audit Office, 4th 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. The Additional Deputy Comptroller  
and Auditor General (P&T)  
Civil Lanes, Delhi-54.

...Respondents

(By advocate Mr S.K.Balachandran)

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

ORDER

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

Applicant is an Assistant Audit Officer, P&T Audit Office, Trivandrum. He made a representation to the Additional Deputy Comptroller & Auditor General (P&T) (4th respondent) on 8.1.99 (Annexure A-1) seeking permission to relinquish his claim for promotion permanently. The applicant and five others also made another representation on 1.1.99 (A-2) seeking permission to relinquish promotion permanently. While these representations were pending, by order dated 2.2.99 (A-3) the applicant and two others were promoted as Audit Officers and allotted to various audit offices. The applicant is posted to Calcutta. Explaining his family circumstances and the

difficulties in undertaking the transfer on promotion, the applicant made a representation on 4.2.99 (A-4) to the second respondent which is yet to be considered and disposed of. Apprehending that the applicant would be relieved from the present place of posting pursuant to the impugned order of transfer on promotion, the applicant has filed this application for setting aside A-3 order to the extent it affects him, for a declaration that the applicant's permanent refusal of his claim for promotion is liable to be accepted and for a direction to the respondents to retain him in his present post of Assistant Audit Officer.

2. When the application came up for admission today, Mr S.K.Balachandran, Additional Central Government Standing Counsel, appeared for the respondents. Counsel on either side agreed that the application may be disposed of directing second respondent to consider and dispose of the representation submitted by the applicant (A-4) within a reasonable time, keeping relief of the applicant from his present place of posting in abeyance.

3. In the result, in the light of what is stated and as agreed to by the learned counsel on either side, the application is disposed of with a direction to second respondent to consider the representation (A-4) and to give the applicant an appropriate order within a reasonable time. I also direct that till a reply is given to the representation (A-4) by the second respondent, the relief of the applicant from his present place of posting shall be kept in abeyance. No order as to costs.

Dated 8th February 1999.



(A.V.HARIDASAN)  
VICE CHAIRMAN

aa.

**LIST OF ANNEXURES**

1. **Annexure-A1:** True copy of the representation dated 8.1.99 submitted by the applicant to the 4th respondent.
2. **Annexure A2:** True copy of the representation dated 1.1.99 submitted by M/s PM Chandran & others to the 4th respondent.
3. **Annexure A3:** True copy of the Office Order No. Control 16(A)(B)98-I dated 2.2.99 issued by the 2nd respondent.
4. **Annexure A4:-** True copy of the representation dated 4.2.99 submitted by the applicant along with a Medical Certificate dated 3.2.99 to the 2nd respondent.

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