

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 162/99

Monday the 8th day of February 1999.

CORAM

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

P.S.Ramakrishnan
S/o P.R. Sankara Iyer
Assistant Audit Officer
P&T Audit Office
Trivandrum-33.

...Applicant

(By advocate Mr M.R.Rajendran Nair)

Versus

1. The Senior Audit Officer-in-Charge
P&T Audit Office, 6th floor
Corporation Buildings
Trivandrum-695 003.
2. The Director General (Audit)
P&T, New Delhi.
3. Union of India represented by
Secretary to Govt. of India
Ministry of Communications
New Delhi.
4. The Additional Deputy Comptroller
and Auditor General
P&T Civil Lanes, Delhi.

...Respondents.

(By advocate Mr George Joseph)

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

O R D E R

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

Applicant is a senior Assistant Audit Officer, P&T Audit Office, Trivandrum. Knowing that he is likely to be promoted as Audit Officer, he made a representation on 8.1.99 (Annexure A-1) seeking permission to decline promotion permanently. He alongwith five others who are similarly situated had made a joint representation on 1.1.99 (Annexure A-2) seeking permission to decline promotion as Audit Officers. While the request of the applicant for permission to decline promotion permanently did not receive any response, by the impugned order dated 2.2.99 (Annexure A-3) the applicant and

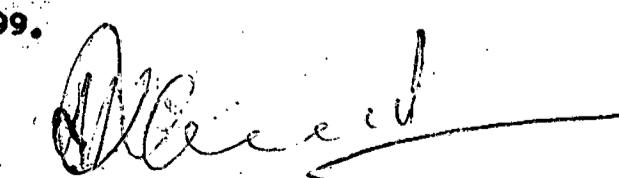
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two others were promoted as Audit Officers and the applicant was allotted Delhi. Explaining the difficulties of the applicant in giving effect to the transfer on promotion and expressing his unwillingness to accept the promotion and seeking permission to decline promotion permanently, the applicant made a representation to the second respondent on 4.2.99 (Annexure A-4). Apprehending that the applicant would be relieved pursuant to A-3 order before the second respondent applies his mind and decides A-4 representation, the applicant has filed this application seeking to have the impugned order A-3 set aside, to declare that the applicant's permanent refusal 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. Mr George Joseph, Additional Central Government Standing Counsel appears for the respondents. Counsel on either side agreed that the application may be disposed of directing the second respondent to consider A-4 representation and to give the applicant an appropriate order within a reasonable time, keeping relief of the applicant from his present place of posting in abeyance till a reply is communicated to him.

3. In the result, as agreed to by the counsel on either side, the application is disposed of directing the second respondent to consider A-4 representation submitted by the applicant and to give the applicant an appropriate reply within a reasonable time. I also direct that till such date a reply to the applicant's representation is communicated to him, 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

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 P.N. Chandran & others to the 4th respondent.
3. **Annexure A3:** True copy of the Office Order No. 16(A) (8)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 various medical records to the 2nd respondent.

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