

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.162/2003.

Friday this the 7th day of March 2003.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

G.Bhakthavalsalam,  
Group 'D' (Non-technical),  
Regional Research Laboratory,  
Trivandrum - 19. Applicant

(By Advocate Shri K.V.Raju)

vs.

1. The Director, Regional Research Laboratory, Thiruvananthapuram.
2. The Secretary, Ministry of Science & Technology, Government of India, New Delhi.
3. Mrs. Susan Mathew, Lower Division Clerk, Regional Research Laboratory, Trivandrum. Respondents

(By Advocate Shri P.J.Philip, ACGSC(R.1&2)

The application having been heard on 7.3.2003, the Tribunal on the same day delivered the following:

ORDER

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

The applicant who was appointed to the post of Group 'D' (non-technical)/Junior Security Guard in the Regional Research Laboratory, Trivandrum in the year 1997, was posted in the Security Section by order dated 8.7.97. He completed his probation in 1998. By way of an internal transfer he was posted in the Electronic Private Automatic Branch Exchange from 2 p.m. to 5 p.m. to 8 p.m. in the main gate as Security Guard. However, from 14.5.1999 the applicant was permitted to work in EPABX System. While so, with the permission of the competent authority, he joined the Diploma Course of Electronics in evening batch. He has completed two years of the course and one more

year is remaining. At this juncture, the impugned order A-3 dated 4.2.2003 has been issued by which he was transferred and posted in the Security Section which, according to him would jeopardise his studies. He made a representation (A4) on 10.2.1993 to the Director, Regional Research Laboratory, Trivandrum, (1st respondent). Finding that his representation has not been considered and disposed of, the applicant has filed this application seeking to set aside A-3 order and for a direction to the respondents to allow the applicant to continue in the present post of Assistant in the reception counter in the office of the first respondent. He has also impleaded the 3rd respondent who has been posted in his place.

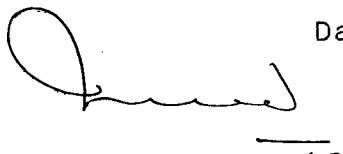
2. A counsel statement has been filed on behalf of the respondents 1 & 2 in which, it is contended that, the applicant having been recruited as a Group 'D' Security Guard and is required to be posted as Security Guard as there is a shortage in the security staff on account of retirement of one Shri K.Sivasankara Pillai and when a Lower Division Clerk has become available to be posted in the counter, the arrangement has been done in public interest and therefore, the respondents pray that the order may not be interfered with.

3. We have gone through the application and the statement filed on behalf of the respondents and have also heard the learned counsel of the parties. The learned counsel of the applicant submitted that since the applicant had been permitted to join the diploma course, the respondents should have been allowed him to continue in the present post so as to enable him

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to complete the course. It would have been ideal if the applicant is allowed to continue in a post where he could conveniently continue his studies. However, if such a posting is found not feasible owing to shortage of staff in Security Wing, we do not find any reason to fault the decision to post the applicant as Security staff. The respondents have clearly stated that it was in the exigencies of service that the applicant a Security Guard has been posted in the Security Section.

4. In the light of what is stated above, we do not find any need to admit this application for further deliberation and therefore, we reject this application under Section 19(3) of the Administrative Tribunals' Act, 1985.

  
Dated the 7th March, 2003.

T.N.T.NAYAR  
ADMINISTRATIVE MEMBER

  
A.V.HARIDASAN  
VICE CHAIRMAN

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