

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 166/98

Friday the 3rd day of April 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K. GHOSAL, ADMINISTRATIVE MEMBER

P.N.S. Nair
S/o Narayanan Nair
Laboratory Assistant
India Meteorological Department,
Aminidi.Applicant

(By advocate Mr MR Rajendran Nair)

Versus

1. The Deputy Director General of Meteorology
Regional Meteorological Centre, 50 College
Road, Chennai - 600 006.
2. The Director General of Meteorology
Mousam Bhavan, New Delhi - 3.
3. M.A. Moosa, Lab Attendant, MinicoyRespondents.

(By advocate Mr TPM Ibrahim Khan)

The application having been heard on 3.4.98, the
Tribunal on the same day delivered the following:

ORDER

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

This is the third round of litigation between the
applicant and the respondents in regard to his transfer
from Aminidi to Cuddalore. When the applicant was
earlier relieved without a transfer order, the Tribunal
intervened and set aside the order. Thereafter, the order
of transfer was issued. Aggrieved by that, the applicant
filed OA 1648/97. That application was disposed of with
a direction to the respondents that if the applicant
makes a supplementary representation to the first respondent,
the same shall be considered and a speaking order would be
communicated to him, retaining him at the present place of
posting till such an order is communicated. Thereafter,

the respondents issued the impugned order Annexure A-1 giving answer to the applicant's request for posting at a place of his choice as also giving reasons for rejection of his request. The applicant, aggrieved by this order, has filed the application seeking to have the impugned orders at Annexure A-1 & 2 quashed on the grounds that the order is cryptic, that he has been discriminated on account of place of birth, that the transfer has not been made in public interest, that the transfer has been effected only for the purpose of accommodating one Mr A. Moosa, Lab Attendant on promotion as Lab Assistant, that the applicant having not completed a tenure of 3 to 4 years in the station, his transfer out of the station is not proper and that his case for posting to a convenient station has not been properly considered.

2. The respondents though sought time did not file a reply. However, learned counsel for the respondents states that the impugned order at Annexure A-1 itself contains the grounds on which the transfer has been made and that he would argue the case without a reply statement.

3. Having perused the application and the annexures and having heard the learned counsel on either side, we do not find any legitimate ground or cause of action for admitting the application. When the applicant was moved out of the present place of posting without an order of transfer, the Tribunal intervened and set it aside. When the applicant was transferred by an order, the applicant approached the Tribunal and the Tribunal

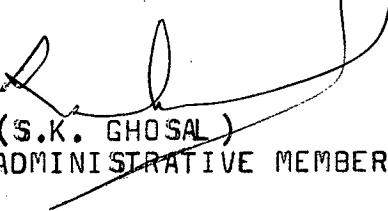
thought that it would be better if the administration would consider his grievance and take appropriate decision depending on the administrative feasibility. Therefore the application (No. 1648/97) was disposed of with appropriate directions. After taking into account the facts mentioned in the representation of the applicant and the facts and circumstances prevailing, the respondents have issued the impugned order which contains the reasons why the applicant had to be transferred to Cuddalore. The respondents have stated that the post of Lab Assistant has been lying vacant at Cuddalore since long time, observational work being hampered, that the applicant being a mainlander is better suited for a posting at Cuddalore and that his request for transfer to Bajpe could not be acceded to at the moment as there is no vacancy. We do not find any merit in any of the grounds of challenge. The contention of the applicant that the impugned order is cryptic and non-speaking is not correct because a mere reading of the order would show that his request has been duly considered. The ground of discrimination on the basis of place of birth is actually vague and hollow. It is not as if the applicant has been transferred to Cuddalore because he was not born in Lakshwadeep Island or because he was born in mainland. The competent authority has the discretion to decide which official would be suited to be posted to a particular station. We do not find any discrimination in the decision to transfer the applicant to Cuddalore. The ground that the applicant's claim for transfer to Bajpe has not been properly considered is also meaningless as it has been made clear

that there is no vacancy at the moment and that his request would be considered on availability of vacancy at Bajpe. The case of the applicant that the power to transfer has been misused for the purpose of favouring one Mr Moosa is also meaningless. If the competent authority on consideration of the relevant facts bonafide takes a decision to transfer the applicant and to post Mr Moosa on promotion in his place, it cannot be considered as an abuse of the power of transfer.

4. In the light of what is stated above, finding nothing in this application which needs further consideration, the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

No order as to costs.

Dated 3rd April 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

aa.

LIST OF ANNEXURES

1. Annexure A1: Office Memorandum No.F. No.077/GA dated 20.1.1998 issued from the Metrological Office, RS/RW Observatory, Amini, Union Territory of Lakshadweep.
2. Annexure A2: Office Order No. /AE-11201 dated 25.11.97 issued by the Ist respondent.

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