

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.171/2003

Dated Friday this the 28th day of February, 2003.

C O R A M

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.J.Uthaman

TO - 'C',
National Psychological Research Unit (NPRU)
Naval Base, Kochi.

Applicant

(By advocate Mr.Jolly John)

Versus

1. Union of India represented by
Secretary to the Government of India
Ministry of Defence, New Delhi.
2. The Director General
Defence Research & Development Organisation (DRDO)
Ministry of Defence, South Block
New Delhi.
3. The Director
Defence Institute of Psychological Research (DIPR)
Lucknow Road
Timarpur, Delhi..
4. The Director
Directorate of Personnel (DOP), B-Wing
Sena Bhavan, DHQ P.O.
New Delhi.
5. The Director, NPOL,
Thrikkakara P.O.
Kochi.
6. The Officer in Charge
Naval Psychological Research Unit (NPRU)
Naval Base, Kochi.

(By advocate Mr.C.B.Sreekumar, ACGSC)

The application having been heard on 28th February, 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant who has been working as TO - 'C' in the Naval Psychological Research Unit (NPRU for short), Kochi under the second respondent was ordered to be transferred to NPOL, Thrikkakara by A-4 order dated 15.11.2002 along with his immediate superior one P.J.Chander consequent upon the closure of NPRU,

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[Signature]

Kochi. Apparently, the names of the two officers were struck off from the strength of the NPRU with effect from the same date. The decision to close the NPRU had already been taken and the facts concerning these are not very relevant. The applicant's case is that A-4 order was received in the office of the NPRU only on 9.1.2003 and that the applicant got it only on 10.1.2003. There were two intervening holidays on 14th when the applicant reported for duty along with his immediate superior P.J.Chander, both of them were not permitted to join on the ground that there was considerable delay between the date of A-4 and the date of reporting for duty. However, after a week P.J.Chander, the applicant's immediate superior, was allowed to join while the applicant was left in the lurch. The applicant's grievance is that since he was not responsible for the delay on the part of the higher authorities to despatch A-4 order, the refusal on the part of the respondents to allow him to resume duty at NPOL, was unjust, illegal and discriminatory. This was more so since the respondents have permitted his immediate superior P.J.Chander to join though subsequently, according to the applicant. It is also his case that if he was refused to join the office of the 5th respondent as per the transfer order, his claim for salary and other service benefits would be in jeopardy. The applicant made a representation Annexure A-5 dated 20.2.2003 setting out the facts. However the same has not been considered so far. Aggrieved by this, the applicant has filed this OA seeking the following reliefs:

- i) 5th respondent may be directed to permit the applicant to resume duty at the 5th respondent laboratory as per Annexure A1 to A4.
- ii) The respondents may be directed to protect the service and salary of the applicant from the date relieving from the 6th respondent until resuming the duty at the 5th respondent laboratory.
2. Shri C.B.Sreekumar, ACGSC takes notice on behalf of respondents 1 to 6.

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3. According to the learned counsel of the applicant Shri Jolly John, the applicant could not be refused to join the new place since he was, by no means, responsible for the delay. A-4 order was actually received in the office of the NPRU only on 9.1.2003 and the applicant received the same only on 10.1.2003. There was no considerable delay on the part of the applicant since the entire unit had to be closed down and since he was to join the new unit on account of such closure. The whole matter had to be seen not as an ordinary transfer but as a transfer necessitated by the closure of the parent unit. In any case, P.J.Chander was permitted to join and it was unfair if the applicant was not extended the same facility. He would further state that since a detailed representation A-5 was given, the 5th respondent ought to have disposed of the same immediately. Further the learned counsel of the applicant would submit that if the said representation is disposed of in a fair and judicious manner, the purpose of filing this OA would be served. Shri C.B.Sreekumar, learned ACGSC agrees to such a course of action to be taken.

4. In view of the submissions made by both counsel, we dispose of this OA by directing the 5th respondent to consider the A-5 representation judiciously, appreciating the facts of the case, more particularly the fact that the applicant's immediate superior P.J.Chander who was also transferred under identical circumstances was allowed to join at NPOL, Kochi, and issue appropriate orders to the applicant. The said representation(Annexure A5) shall be disposed of within a period of 15 days from the date of receipt of this order. Till such time, no action prejudicial to the applicant's continued claim for salary and other service benefits shall be taken.

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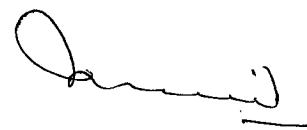
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5. Copy of this order may be immediately handed over to the ACGSC for prompt follow up action.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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T.N.T. NAYAR
ADMINISTRATIVE MEMBER