

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No.  
XXXXXX

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DATE OF DECISION 15.2.1991

S.R.Muraleedharan Applicant (s)

Mr.M.Girajavallabhan Advocate for the Applicant (s)

Versus

UDI rep. by the Secretary. Respondent (s)  
Min. of Defence, New Delhi & 3 others

Mr.NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

(Mr.S.P.Mukerji, Vice Chairman)

The applicant ~~who~~ is at present working as Lascar under respondent No.2 (Flag Officer Commanding-in-Chief, Headquarters Southern Naval Command) Cochin. He had sought a transfer on compassionate ground to a similar post of Lascar at Underwater Acoustic Research Facility (UARF) at Kulamavu, under the Director of Naval Physical and Oceanographic Laboratory, which is under the Chief of the Army Staff. His application had been forwarded by the Naval Authorities. The Army Authorities by the impugned order at Annexure-D recorded their inability to accede to the applicant's request. However, it appears

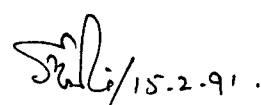
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from Annexures-A, B and C that earlier and as late as in October, 1990, the Army Authorities had expressed their willingness to consider the posting of the applicant in his turn on availability of a suitable vacancy when reported. The applicant feels aggrieved by the communication dated 29th Nov. 1990, at Annexure-D, wherein his request for transfer seems to have been rejected finally. <sup>The</sup> Applicant's contention is that two vacancies have arisen at the NPOL, Kulamavu which are being filled up by Direct Recruitment, while the applicant's case has been kept in the waiting list for filling up of such a vacancy.

2. We have heard the learned counsel for the parties and gone through the documents. The applicant is a member of the Scheduled Tribe. In accordance with the declared policy of the Government, a Scheduled Tribe Employee, as far as possible is to be posted nearer his native place which in the case of the applicant happens to be in Idukki District where Kulamavu is situated. The learned counsel for the respondents is fair enough to indicate that the respondents would be prepared to consider the applicant's case also for filling up one of the two posts in the NPOL, subject to his suitability.

3. In the conspectus of facts and circumstances, therefore, we close this application with the direction to the respondents 3 and 4 to consider the applicant also for filling up one of the <sup>of said</sup> two posts of Lascars in NPOL. There is no order as to costs.

  
(A.V. HARIIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

15.2.1991