

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No.175/2013**

**Tuesday this the 12<sup>th</sup> day of November 2013**

**C O R A M :**

**HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER**

**HON'BLE Mr.RUDHRA GANGADHARAN, ADMINISTRATIVE MEMBER**

P.K.Harikumar,  
S/o.Balakrishnan Nair,  
Technical Officer (T-7-8),  
Central Marine Fisheries Research Institute (CMFRI),  
(Indian Council of Agricultural Research),  
Ernakulam North (P.O.), Kochi – 682 018.

...Applicant

(By Advocate Mr.P.K.Madhusoodhanan)

**V e r s u s**

1. The Director,  
Central Marine Fisheries Research Institute,  
(Indian Council of Agricultural Research),  
Ernakulam North (P.O), Kochi – 682 018.
2. Dr.G.Syda Rao, Director,  
Central Marine Fisheries Research Institute,  
Ernakulam North (P.O), Kochi – 682 018.
3. Chief Administrative Officer,  
Central Marine Fisheries Research Institute,  
(Indian Council of Agricultural Research),  
Ernakulam North (P.O), Kochi – 682 018.
4. Indian Council of Agricultural Research,  
represented by its Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi – 110 001.

...Respondents

(By Advocate Mr.P.Santhosh Kumar)

This application having been heard on 12<sup>th</sup> November 2013 this  
Tribunal on the same day delivered the following :-

.2.

**ORDER**

**HON'BLE Mr.JUSTICE A.K.BASHEER, JUDICIAL MEMBER**

Applicant is presently working as Technical Officer (T-7-8) at the Central Marine Fisheries Research Institute in Ernakulam. He impugns Annexure A-1 order of his transfer from Ernakulam to Narakkal in this Original Application. Applicant has raised various contentions in support of his plea that the above order of transfer is ex-facie malafide, illegal and arbitrary. However, in the written statement the respondents have stoutly defended and justified their action.

2. We have heard learned counsel for the parties at length and perused the entire materials available on record. We have also interacted with the applicant who is present before us.

3. It is not in dispute that the applicant has had a very good track record till 2010. His proficiency in work and integrity have never been in doubt. However, according to the applicant, for the first time in his career his Annual Performance Appraisal Report was downgraded from 8.5 to 3. Learned counsel contends that this was totally unwarranted. Anyhow, we refrain from dealing with the above issue at this stage in view of the order that we propose to pass.

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.3.

4. Learned counsel for the respondents submits that Annexure A-1 order of transfer was issued for administrative reasons and there is absolutely no truth or substance in the allegation that it is vitiated by malafides. Yet again, we do not propose to deal with the above issue at this stage.
5. Having heard learned counsel for the parties and having perused the entire materials available on record, we are of the view that interest of justice would be met, if the applicant is given an opportunity to highlight his grievances before respondent No.1 by way of a representation. It will be open to the applicant to bring it to the notice of the Director that he is practically sitting idle at Narakkal where there is absolutely no facility to engage in any worthwhile professional duties or activities. The above and other aspects which may be projected by the applicant in his representation shall be considered by respondent No.1 with utmost compassion, understanding and sympathy. Respondent No.1 shall take a decision in the matter and try to salvage the situation for the applicant so that his talent is not wasted.
6. Respondent No.1 shall take a decision on the representation that may be submitted by the applicant within two weeks from today, after affording sufficient opportunity to him to be heard in person. This shall be done as expeditiously as possible, at any rate, within six weeks from the date of receipt of the representation.

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7. The Original Application is disposed of in above terms. No costs.

(Dated this the 12<sup>th</sup> day of November 2013)

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RUDHRA GANGADHARAN  
ADMINISTRATIVE MEMBER

*unseen*  
JUSTICE A.K.BASHEER  
JUDICIAL MEMBER

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