

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.191/08

Wednesday this the 9th day of April, 2008.

CORAM:

HON'BLE DR. K. B. S. RAJAN, JUDICIAL MEMBER

P.Narayanan,
S/o late K.Narayanan Nair,
Superintendent,
Regional Passport Office, Cochin, residing at
Sreepadam, Sree Rama Temple West Road,
Tripunithura – 682 301. Applicant

(By Advocate Shri P.Ramakrishnan)

Vs.

1. Union of India, represented by Secretary to Government, Ministry of External Affairs, New Delhi – 110 001.
2. The Joint Secretary (CPV) and Chief Passport Officer, Ministry of External Affairs, New Delhi – 110 001.
3. The Administrative Officer (PV.IV), Ministry of External Affairs, CPV Division, New Delhi – 110 001.
4. The Regional Passport Officer, Regional Passport Office, Panampilly Nagar, Cochin. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 9th April, 2008, the Tribunal on the same day delivered the following.

ORDER

HON'BLE DR.K.B.S.RAJAN, JUDICIAL MEMBER

Heard the counsel for the applicant. The applicant who is at present serving as Superintendent in the Regional Passport Office, Cochin, came to be posted to Cochin on medical grounds in the wake of an accident that took place in 2001. According to the applicant his continued medical treatment compels him to be at Cochin only.

2. In June, 2004 vide Annexure A-1 the applicant was directed to get himself examined by a Medical Board in the Government Hospital, to have a medical report in regard to his then condition. Accordingly, Annexure A-2 Medical Certificate was produced by the applicant and he was allowed to continue. In August 2007, the applicant was transferred to Malappuram. However, the applicant had preferred Annexure A-4 representation dated 28.8.2007 and presumably accepting his submissions, the respondents did not insist upon his transfer to Malappuram.
3. It is by Annexure A-5 order that the applicant now has been transferred to Bangalore. The applicant has preferred a representation dated 7.4.2008(A-6) to the 2nd respondent, which has not so far been disposed of.
4. Counsel for the applicant submits that, the applicant's physical condition has not improved and he is under constant medical treatment at Cochin. According to the counsel, even very recently he has presented himself for medical examination and the authorities have confirmed as to his inability to move. However, this medical examination is stated to have taken place after the applicant has preferred his representation dated 7.4.2008.
5. The applicant has prayed for quashing of impugned order and as an interim relief, he has prayed for a stay of the operation of the impugned order till the disposal of the O.A.
6. Counsel for respondents seeks some time to get instructions.
7. In view of the fact that the representation of the applicant has not so far been disposed of, the Tribunal feels that it would be in the interest of justice, if the application is disposed of at the admission stage itself, with a direction to the 2nd

respondent to consider the representation dated 7.4.2008(A6) within a period of three weeks from today. The applicant is permitted to make available the latest medical certificate for consideration by the 2nd respondent and while coming to a decision in regard to retention/transfer the 2nd respondent shall take into account the medical certificate as well. In case, the respondents feel that the medical examination shall be by a Medical Board, they may accordingly direct the applicant to undergo such medical examination and a decision of the department should be on the basis of such medical report. Till such time a decision is arrived at as stated above, the applicant shall not be displaced from the present place of posting. O.A. is closed. No costs.

Dated the 9 th April 2008.



DR. K. B. S. RAJAN
JUDICIAL MEMBER

rv