

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.205/04

Thursday this the 18th day of March 2004

C O R A M :

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

K.P.Mukundan Unni,
S/o. late M.C.S.Unni,
Senior Auditor,
O/o. the Defence Pension Disbursing Officer,
Kochi - 15.

Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by
the Secretary to the Govt. of India,
Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts,
West Block IV, R.K.Puram, New Delhi-66.
3. Controller of Defence Accounts,
Annasalai, Thenampet, Chennai-18.
4. The Defence Pension Disbursing Officer,
Kochi - 15.

Respondents

(By Advocate Mr.T.C.Krishna,ACGSC)

This application having been heard on 18th March 2004 the
Tribunal on the same day delivered the following :

O R D E R

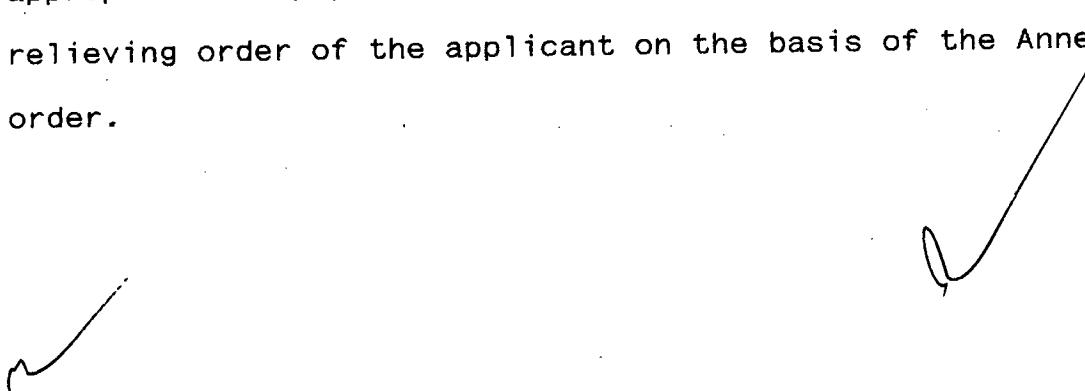
HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant Senior Auditor in the office of the Defence
Pension Disbursing Officer, Kochi was served with Annexure A-1
(a) alert notice dated 21.10.03 informing that he is likely to be
transferred from Kochi on account of his station seniority and
calling upon him to indicate choice stations. In response to
that the applicant submitted Annexure A-2 indicating Kottayam,
Trichur and Coimbatore as the three choice stations in the event
of transfer but made representation on 22.10.2003 requesting for
a retention up to 31.5.2005 on the ground that his wife was
suffering from mental unsoundness, that he himself was sick and

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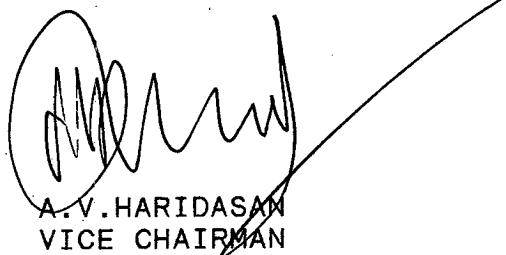
that his daughter is studying and that a transfer would jeopardise the family set up. However, the applicant did not get any favourable response but by the impugned order Annexure A-1 dated 24.2.2004 the applicant had been informed that he would be relieved to take over posting at Kannur on or before 31.3.2004, the applicant submitted another representation Annexure A-6 dated 25.2.2004 to the 2nd respondent requesting for a retention up to 31.8.2005 explaining the compelling family circumstances indicating that he had already applied for voluntary retirement with effect from 31.8.2005. This representation is yet to be considered and disposed of. As this representation has not been disposed of, apprehending that the applicant would be relieved on the basis of Annexure A-1 order the applicant has filed this application seeking to set aside Annexure A-1 and for a direction to the respondents to consider the retention of the applicant in the present place of posting till 31.8.2005 taking into consideration the mental ill-health of the applicant's wife and other facts and circumstances mentioned in the representation Annexure A-6.

2. When the application came up for hearing Shri.T.C.Krishna,ACGSC took notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of directing the 2nd respondent to consider Annexure A-6 representation of the applicant and to give the applicant an appropriate reply at the earliest keeping in abeyance the relieving order of the applicant on the basis of the Annexure A-1 order.



3. In the light of the above submissions made by the counsel on either side the application is disposed of directing the 2nd respondent to consider Annexure A-6 representation of the applicant taking into account the mental ill-health of the applicant's wife and other facts and circumstances mentioned in the representation and to give the applicant an appropriate reply as expeditiously as possible and also directing the respondents that till the reply to the Annexure A-6 representation is served on the applicant, the applicant shall not be relieved from the present place of posting on the basis of Annexure A-1.

(Dated the 18th day of March 2004)



A.V. HARIDASAN
VICE CHAIRMAN

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