

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 212 of 2005

Wednesday, this the 23rd day of March, 2005

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. N.D. Joseph, S/o Devassia,
Assistant, Office of the
Chief Engineer (NAVAC), Kochi – 4
Residing at Nediampackal House,
Nedumkandom PO,
Kottayam District.

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Applicant

[By Advocate Shri R. Sreeraj]

Versus

1. Union of India represented by its
Secretary to the Government of India,
Ministry of Defence, New Delhi.
2. The Chief Engineer,
Head Quarters, Military Engineer Services,
Southern Command, Pune.
3. The Chief Engineer (NAVAC),
Naval Academy, Kochi – 4

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Respondents

[By Advocate Shri T.P.M. Ibrahim Khan, SCGSC]

The application having been heard on 23-3-2005, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

Aggrieved by Annexure A1 transfer order dated 7th October 2004 and
Annexure A6 movement order dated 16th March 2005 implementing the said transfer



order, the applicant has filed this Original Application seeking the following reliefs:-

"(i) To quash Annexure A6.

(ii) To quash Annexure A1 to the extent it affects the applicant.

(iii) To direct the respondents to permit the applicant to continue at his present place of work namely the office of the Chief Engineer (NAVAC).

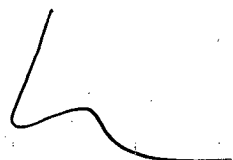
(iv) Alternatively to direct the office of the 3rd respondent to forward Annexure A5 representation to the 2nd respondent and to direct the 2nd respondent to consider and pass appropriate orders on Annexure A5 representation as expeditiously as possible keeping the impugned orders Annexure A1 and A6 in abeyance till then.

(v) Grant such other relief as may be prayed for and this Tribunal may deem fit to grant.

(vi) Grant the cost of this Original Application."

2. Shri R. Sreeraj, learned counsel appeared for the applicant and Shri T.P.M. Ibrahim Khan, learned SCGSC appeared for the respondents.

3. When the matter came up for hearing, learned counsel for the applicant submitted that the applicant had already submitted a representation on 23-11-2004 (Annexure A3) putting forward his choice stations, which was rejected by Annexure A4 dated 18-2-2005. However, seeking recourse to the fact that the applicant had crossed the age of 57 years, he has filed another representation on 21-2-2005 (Annexure A5) before the 3rd respondent and requested the 3rd respondent to forward the same to the 2nd respondent, which has not been done. Learned counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the 3rd respondent to forward Annexure A5 representation to the 2nd respondent and a direction is given to the 2nd respondent to dispose of the representation within a time

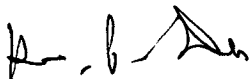


frame. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

4. In the interest of justice, the applicant is permitted to submit Annexure A5 representation dated 21-5-2005, which according to him has been returned by the 3rd respondent, to the 3rd respondent. The 3rd respondent is directed to forward Annexure A5 representation submitted by the applicant to the 2nd respondent for consideration forthwith and the 2nd respondent shall consider the same and pass appropriate orders thereon as expeditiously as possible and in any case within a period of one month from the date of receipt of such representation. We also direct that the operation of the impugned order Annexure A6 dated 16th March, 2005 will be kept in abeyance till the representation is disposed of and communicated to the applicant.

5. The Original Application is disposed of as above at the admission stage itself. In the circumstances, there is no order as to costs.

Wednesday, this the 23rd day of March, 2005



H.P. DAS
ADMINISTRATIVE MEMBER



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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