

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 3/92
~~XXXXXX~~

~~199~~
DATE OF DECISION 12.8.1992

K Shaikh Koya

Applicant (s)

M/s KP Dandapani

Advocate for the Applicant (s)

The Director General

Meteorology, Mosam Bhavan,
Lodhy Road, New Delhi and
others.

Respondent (s)

Mr NN Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS Habeeb Mohamed, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial Member

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

JUDGEMENT

Shri N Dharmadan, J.M

The applicant is aggrieved by the Annexure-I transfer order dated 20.12.1991 by which he has been transferred from Minicoy Island to Trivandrum.

2 According to the applicant, he is working as a Professional Assistant in Minicoy Island. It is stated there are two other posts of Professional Assistant and Respondent-3 is also one of the persons who is also working as a Professional Assistant. The applicant has alleged that the transfer order was issued because of the fact that he has filed a complaint in connection with the laying of pipeline by the Telecom Department at Minicoy in the premises just adjacent to the buildings belonging to Meteorological Department wherein the applicant is working. It is stated that the applicant's objection was the main reason for

issuing the impugned transfer order. However, he submits that there is no administrative reason warranting to transfer him from Minicoy Island.

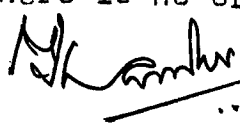
3 Respondents have filed a detailed reply denying all the averments and allegations made in the application. They have stated ^{that} out of the total period of 16 years of service, the applicant has spent more than 15 years in the Island and hence, he has been posted at Gauhatty in Assam for a short period of 7 months. However, when the applicant was posted in Gauhatty, he requested for a transfer on compassionate ground. Accordingly, he has been transferred to Minicoy. In that circumstance, the Department thought that the applicant's services are necessary at Trivandrum and hence he has been transferred.

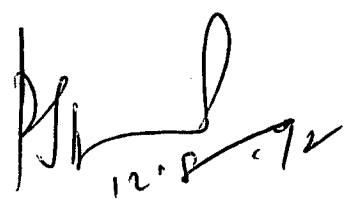
4 During the course of arguments, the learned counsel for the applicant submitted that the files leading to his transfer may be called for and the Tribunal will be satisfied from the files that there is no public interest in effecting transfer of the applicant. Having considered the averments in the application and the arguments, we are not satisfied that a perusal of the file leading to Annexure-I is necessary for deciding the issue in this case. It is an admitted fact that the applicant was continuing in the Island for more than 15 years and that the applicant has no legal right to continue in the same station until the next promotion. Under these circumstances we feel that the applicant is bound to move from the Island where he is continuing for a long period. However, we are not deciding the issue in this case finally because the applicant prays for an opportunity to place his grievance before Respondent-2 so that he may appraise his personal difficulties on account of the present transfer and get relief from him. We consider the request as reasonable.

5 Having considered the matter in detail, we are of the view that the application can be disposed of with appropriate directions in the interest of justice. Accordingly, we direct the applicant to file a representation before Respondent-2 within a period of one month from to-day. If such a representation is filed by the applicant, the Respondent-2 shall consider his grievances and dispose of the same within a period of one month from the date of receipt of such representation.

6 The interim order passed earlier will continue till the representation of the applicant is disposed of by Respondent-2.

7 There is no order as to costs.


(N Dharmadan)
Judicial Member


(PS Habeeb Mohamed)
Administrative Member

12.8.92