

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 23 of 1998

Monday, this the 16th day of February, 1998

CORAM

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

1. T.A. Ayyappan,  
Superintendent, Electrical/Mechanical Grade-I,  
Office of the Garrison Engineer,  
E/M Kochi - 682 004 .. Applicant

By Advocate Mr. D. Sreekumar

Versus

1. The Chief Engineer,  
Southern Command, Pune.
2. The Chief Engineer (Navy),  
Cochin Zone, Naval Base, Kochi.
3. The Garrison Engineer,  
Electrical/Mechanical, Naval Base,  
Kataribagh, Kochi.
4. The Garrison Engineer (Independant)  
Research and Development,  
MES Department, Kakkanadu, Kochi. .. Respondents

By Advocate Mr. Mathews J. Nedumpara

The application having been heard on 16-2-1998, the  
Tribunal on the same day delivered the following:

ORDER

The applicant, a Superintendent in the office of the 3rd respondent, was transferred by the impugned order dated 20th December, 1997 in the same capacity to the office of the 4th respondent at Kakkanadu in Cochin. There is no change of station involved. The applicant has impugned this order on the ground that the 3rd respondent is not competent to issue the order of transfer of the applicant to a different zone and, therefore, the impugned order is without jurisdiction. It has also been alleged that as the

contd..2

applicant is having only less than one year of service to retire the transfer at the fag end of his career would cause delay in finalisation of his pension and lot of other inconveniences to him.

2. Respondents contend that the 3rd respondent being the highest authority in station, ie. Kochi, is in accordance with the guidelines for transfer competent to make local adjustments and local turnover postings and, therefore, the contention that the 3rd respondent has got no jurisdiction to transfer the applicant is untenable. Respondents further contend that as the transfer is made in public interest the applicant has no right to challenge it and that his apprehension that the transfer at the fag end of his career would cause delay in disbursement of his pension is not well founded, as the respondents would do everything that would be necessary for settlement of his pensionary dues in time.

3. Heard learned counsel on either side and perused all records and materials placed on record. Para 21 of A-1 guidelines in regard to transfer permits the highest authority in station to make local adjustments and local turnover postings. The highest authority in Kochi is the Commander Works Engineer. Therefore, there is no infraction of provisions in the guidelines in regard to transfer in the impugned order. The learned counsel for respondents states that the transfer of the applicant would not bring to bear on him much difficulty as there is no change of station involved and that it would also not cause any delay in disbursement of his pensionary dues as the respondents would take prompt action in that regard at the appropriate time.

contd...3

4. In the light of what is stated above, I find that the order of transfer has been issued by the competent authority in public interest and that the application has no merit.

5. The original application is dismissed without any order as to costs.

Dated the 16th of February, 1998



A.V. HARIDASAN  
VICE CHAIRMAN

ak/172

LIST OF ANNEXURE

1. Annexure A1: Office Order No.79940/EIC(1) dated 31.8.1994 issued by the Directorate.

....