

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:230/2009.
DATED THE 22nd DAY OF APRIL, 2009.**

CORAM:

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

N Sasidharan,
Technical Officer T-5,
Central Plantation and Crops Research Institute,
Regional Station, Kayangulam, Krishnapuram P.O.,
Alappuzha District. ... Applicant

By Advocate Mr R Rajasekharan Pillai

V/s

- 1 The Indian Council of Agriculture Research,
Krishi Anusandhan Bhavan, PUSA.,
New Delhi-110 012.
- 2 The Director,
Central Plantation and Crops Research Institute,
Kasargod.
- 3 The Head, CPCRI Regional Station,
Kayamkulam. ... Respondents

By Advocate Mr T P Sajan

This application having been heard on 22.04.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

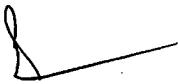
The applicant is aggrieved by the Annexure A-4 order dated 16.3.2009 by which he has been temporarily transferred to Central Plantation and Crops Research Institute (CPCRI for short), Regional



Station Minicoy for a period not exceeding three months, as on tour. He is also aggrieved by the Annexure A-6 order dated 8.4.2009 by which he has been relieved from his duties with effect from 20.4.2009 with the direction to him to report for duty at CPCRI, Minicoy in terms of the aforesaid transfer order dated 16.3.2009.

2. The brief facts of the case are that the earlier also the applicant was temporarily transferred to CPCRI Station, Minicoy for a period not exceeding 180 days as on tour vide Annexure A-1 order dated 30.4.2008. He made the Annexure A-2 representation at that time stating that he is 58 years old and he has several health problems like breathing and asthmatic troubles. It has also been stated that he was advised to keep away from coastal area, as far as possible, as it would worsen his health condition. He has also stated that his wife is a retired teacher (57 years old) and she is also suffering from acute Cardiac and Gastro-intestinal disorders and is under treatment from Amrutha Institute of Medical Sciences and in emergency contact with Dr Jayaram Cardiologist, Medical College Hospital, Alappuzha. As his children are away, both the husband and wife required mutual help for the day to day activities. He has also pointed out that he is only left with 34 months of service and it will be suicidal on his part to take up the new assignment. After considering the aforesaid representation, the respondents themselves have canceled his transfer order vide Annexure A-3 order dated 9.6.2008 and has sent another person in his place.

3. According to the applicant the respondents have issued Annexure



A-4 transfer order dated 16.3.2009 and Annexure A-6 relieving order dated 8.4.2009 without considering his aforesaid difficulties. He has also pointed out that after the transfer order dated 16.3.2009, he was deputed for Election duty on 7.4.2009 as Micro Obersver and performed the same. The Respondents have also not considered his Annexure A-5 representation dated 6.4.2009 and the Annexure A-4 representation dated 15.4.2009.

4. I have heard Advocate Mr R Rajasekharan Pillai, counsel for the applicant and Advocate Mr Shyamraj for Mr T.P.Sajan counsel for the respondents. From the record, it is seen that the respondents after the considering the representations of the applicant had canceled his earlier temporary transfer. No doubt, the same situation is still continuing and the applicant has made a fresh representation to the respondents. Before the same was considered, the applicant has been prospectively relieved w.e.f. 20.4.2009 from duty vide order dated 8.4.2009 with a direction to report for duty at CPCRI (RS) Minicoy on Temporary Transfer. In the above situation, I direct the 2nd respondent to consider the Annexure A-5 and Annexure A-9 representations dated 6.4.2009 and 15.4.2009 and take a decision in the matter keeping in mind his earlier representations. The applicant shall be informed of the decision on the aforesaid representations within a period of one month. Till such time, the applicant shall be allowed to continue in the present place of posting.

5. With the aforesaid direction, the OA is disposed of. There shall be no orders as to costs.

GEORGE PARACKEN
JUDICIAL MEMBER

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