

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.235/2007

Thursday this the 5 th day of April 2007.

CORAM:

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN
HON'BLE Dr. K.B.S.RAJAN, JUDICIAL MEMBER**

Sri.M.K.Balachandran,
Selection Grade Clerk,
Canteen Stores Department Depot,
Ministry of Defence,
Gandhi Nagar, Kochi.

Applicant

(By Advocate Shri P.Santhosh Kumar)

Vs.

1. Union of India represented by the
Secretary, Ministry of Defence,
New Delhi.
 2. The General Manager,
Canteen Stores Department,
Ministry of Defence,
'Adelphi', No.119, M.K.Road, Mumbai-20.
 3. The Deputy General Manager(P&A),
Canteen Stores Department,
Ministry of Defence,
'Adelphi', No.119, M.K.Road, Mumbai-20.
 4. The Manager(P),
Canteen Stores Department,
Ministry of Defence,
'Adelphi', No.119, M.K.Road, Mumbai-20.
 5. The Area Manager,
Canteen Stores Department,
Ministry of Defence,
Gandhi Nagar, Kochi-20.
 6. R.V.Pillai,
Selection Grade Clerk,
Canteen Stores Department,
Ministry of Defence, Narangi.
- Respondents

(By Advocate Shri P.Parameswaran Nair)

The application having been heard on 5.4.2007,
the Tribunal on the same day delivered the following.

ORDER**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN**

The applicant is working as a Selection Grade Clerk under the 5th respondent. He was transferred by Annexure A-3 order from Kochi to Mumbai. It is submitted that the said transfer is in violation of A-5 and A-6 Transfer policy & guidelines, particularly para 11 of the said guidelines which stipulates that, the persons with less than three years of service to retirement shall not be transferred. The applicant relies on Annexures A7, A8, A9, A10 & A-11 judgments of this Tribunal. He submitted a representation Annexure A-4 dated 17.1.2007 to the 2nd respondent which was not considered and again submitted A-12 representation on 17.2.2007; which is pending. Counsel for applicant submits that no movement order has been issued to him and hence he seeks an interim stay of A-3 transfer order till the disposal of the O.A.

2. Mr.P.Parameswaran Nair takes notice for the respondents and sought time to get instructions.
3. Prima facie, we find that the applicant has got only 3 years to retire and the respondents has not followed the policy guidelines regarding transfers while issuing A-3 impugned transfer order and also the representation(A12) submitted by the applicant is pending. Accordingly, we direct the respondents to consider the representation(A12) with reference to Transfer Policy and guidelines as indicated in A5 and A6, and also direct that, if the applicant has not been relieved till today, he shall be allowed to continue in the present place of posting till the representation is disposed of. O.A. is closed.

Dated the 5th April, 2007

Dr.K.B.S.RAJAN
JUDICIAL MEMBER

SATHI NAIR
VICE CHAIRMAN