

केन्द्रीय प्रशासनिक अधिकरण . . . . . न्यायपीठ में  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

आदेश पत्र  
ORDER SHEET

आवेदन सं० 19 का 249/2001  
ORIGINAL APPLICATION No. 249/2001

आवेदक  
Applicant(s) K Raveendran

प्रत्यर्थी  
Respondent(s) Mr. Secy., M/o Defense,  
New Delhi and 3 ors

आवेदक (आवेदकों)  
की ओर से अधिवक्ता  
Advocate for Applicant(s) Mr. R. Krishna Raj

प्रत्यर्थी (प्रत्यर्थियों)  
की ओर से अधिवक्ता  
Advocate for Respondent(s)

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

प्रस्तुतीकरण की तारीख : 13/3/01  
Date of Presentation :

पंजीकरण की तारीख : 13/3/01  
Date of Registration :

विषय : Transfer  
Subject :

तेनाती की तारीख : 14/3/01  
Date of posting :

13/3/01

14.3.2001  
(2)

Mr. R. Krishna Raj  
Mr. M. R. Suresh

Mr. M. R. Suresh, learned counsel takes notice on behalf of respondents and seeks 2 weeks' time to get instructions. 2 weeks' time granted.

List on 28.3.2001.

GR (AM)

aa.

28.3.2001  
(1)

Mr. R. Krishnaraj  
Mr. M. R. Suresh, ACGSC

Learned counsel for the respondents seeks 4 weeks' time to file a statement. 4 weeks' time granted.

Post on 27.4.2001.

In the meanwhile, status quo as on date as far as the applicant's posting is concerned will be maintained till the next hearing date.

GR (AM)

aa.

J.O. dt. 28/3/01

29/3

Statement not  
85/26th filed

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No-249/2001

Friday this the 8th day of June, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

K.Raveendran,  
Ravi Vilasam,  
Kattachira, Pallickal PO,  
Mavelikkara.

..Applicant

(By Advocate Mr.R.Krishna Raj)

V.

1. Union of India, represented by  
Secretary to Government,  
Ministry of Defence,  
Central Government Secretariat,  
New Delhi.
2. Controller General of Defence  
Accounts, R.K.Puram, New Delhi.66.
3. Senior Accoutns Officer (Admn)  
Office of the Controller of Defence Accounts,  
Annasalai, Teynampet,  
Chennai.
4. Defence Pension Disbursing Officer,  
Palayathodu, Vadakkavila,  
Kollam Po, Kollam.1.

...Respondents

(By Advocate Mr. M.R.Suresh, ACGSC)

The application having been heard on 8.6.2001, the  
Tribunal on the same day delivered the following:

O R D E R

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

Applicant, working as Clerk in the Defence Pension Disbursement Office (DPDO for short) Kollam was transferred to CDA, Bangalore and was directed to be relieved from Kollam on 31.5.2000. Aggrieved by that the applicant filed OA 581/2000. The application was disposed of as agreed to by the counsel for the parties permitting the applicant to make a representation within

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two days and directing the 5th respondent therein to consider the representation and to give the applicant an appropriate reply as expeditiously as possible keeping the relief of the applicant pending disposal of the representation. The respondents permitted the applicant to continue in Kollam but the present grievance of the applicant is that the respondents have again decided to transfer the applicant to Bangalore and the impugned order Annexure.A7 dated 5.2.2001 has been issued directing relief of the applicant on 31.3.2001. It is alleged in the application that the applicant is suffering from mental trouble, that his mother is a totally paralytic person and that the present relief of the applicant would cause undue hardship to him. With these grievances the applicant has filed this application for a direction to the respondents to allow the applicant to continue at DPDO, Kollam.

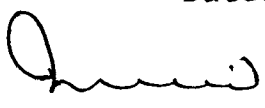
2. The respondents in their reply statement contend that in obedience to the directions of the Tribunal in its order in OA 581/2000 considering the representation of the applicant he was allowed to continue in Kollam till 31.3.01, that this decision was communicated to the applicant on 6.7.2000 and that as his request for further continuance beyond 31.3.01 at Kollam has been found administratively not feasible, the impugned order has been issued directing the relief of the applicant and that as there is no infirmity in the order which has been issued in public interest, the Tribunal may not interfere.


contd.....

3. We have given our anxious consideration to the facts and circumstances of the case emerging from the materials placed before us. We do not find any arbitrariness or malafides in the action of the respondents in refusing to accede to the request of the applicant for further continuance at Kollam beyond 31.3.01. Acceding to the request of the applicant made in the representation pursuant to the orders of the Tribunal in OA 581/2000 the respondents have allowed the applicant to continue in Kollam for about a year and has decided to move him out after 31.3.2001. The health problem and family problems which have been projected in the application of the applicant are not peculiar to the applicant alone and such problems will be there for other persons also. That is why rotational transfers are being made taking into account the request of persons who are working for long time in other stations. So long as there is no arbitrariness, violation of statutory rules or binding administrative instructions and manifest malafides, judicial intervention in routine administrative matters like orders of transfer cannot be sustained. Therefore, we do not find any justification for judicial intervention in the matter.

4. The application which is devoid of merit is therefore, dismissed leaving the parties to suffer their own costs.

Dated the 8th day of June, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

List of annexure referred to:

Annexure.A7: True copy of the order No.AN/I/104/QLN dated 5.2.2001.