

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A.No.258/97

Monday, this the 26th day of May, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.N.S.Nair,  
Laboratory Assistant,  
India Meteorological Department,  
Amini.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Deputy Director General  
of Meteorology,  
Regional Meteorological Centre,  
50 College Road,  
Mdras-600 006.

2. The Director General of  
Meteorology,  
Mousam Bhavan,  
New Delhi-3. - Respondents

By Advocate Mr James Kurian, ACGSC

The application having been heard on 26.5.97 the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who commenced his career as a Peon on  
1.6.71 and was promoted as a Laboratory Assistant by order  
dated 11.9.96, joined the post at Amini on 19.9.96. His  
grievance is that even without an order of transfer, the  
respondents are taking steps to relieve him and to send him  
to Cuddalore. Applicant therefore has filed this application

seeking to have the impugned orders A-2 and A-3 pertaining to his relief quashed and for a direction to the respondents to allow him to continue at Amini. It is stated in the application that no formal orders by the competent authority has been issued transferring the applicant from Amini to Cuddoor and that no public interest would be served by not allowing him to continue in the present station at least for normal term of three years.

2. The respondents in their reply contend that as has been the practice in communicating messages regarding transfer and relief to islands where postal communications are likely to be delayed, telegraphic message directing the relief of the applicant were issued. It is stated in the reply that formal orders of transfer has not so far been issued as before such an order could be issued, the applicant had approached the Tribunal.

3. As the pleadings in this case are complete and as agreed to by the learned counsel on either side, we heard the case for a final disposal of the application.

4. From the reply statement, it is evident that no formal orders of the competent authority transferring the applicant from Amini to Cuddoor has so far been issued. Without an order of transfer, it is not proper to relieve the applicant from the station where he is posted. Therefore, we allow this

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application in part and set aside the impugned order at A-2  
and A-3 relating to the relief of applicant from the post of  
Laboratory Assistant, India Meteorological Department, Amini.

No costs.

Dated, the 26th May, 1997.

*PV Venkatakrishnan*  
PV VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*AV Haridasan*  
AV HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A2: True copy of the Telegram dated 17th January, 1997 issued by the 1st respondent.
2. Annexure A3: True copy of the Telegram dated 5.2.1997 issued by the 1st respondent.

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