

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 286 OF 2010**

Monday, this the 5<sup>th</sup> day of April, 2010

**CORAM:**

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

P.S.Manoj  
Subject Matter Specialist (T-9)  
Horticulture, Krishi Vigyan Kendra  
Peruvannamuzhi  
Kozhikode District

... Applicant

(By Advocate Mr.K.K.Mohammed Ravuf )

versus

1. Union of India represented by the Secretary  
Ministry of Agriculture  
New Delhi
2. Indian Council of Agricultural Research  
Krishi Bhavan  
Rajendra Prasad Road  
New Delhi represented by its Secretary
3. The Director  
Central Marine Fisheries Research Institute  
Post Box No.1603  
Ernakulam, Cochin
4. J.Edison, T-6  
SMS Horticulture  
Krishi Vigyan Kendra  
CMFRI, Kochi - 26

... Respondents

(By Advocate Mr. T.P.Sajan)

The application having been heard on 05.04.2010, the Tribunal on the same day delivered the following:

**ORDER**

**HON'BLE Mr.JUSTICE K.THANKAPPAN, JUDICIAL MEMBER**

The applicant has filed this OA for a direction to the respondents to transfer him from Calicut to Cochin. The applicant was working for the last 15 years at a remote area in Calicut called Peruvannamuzhi. The



applicant has got a case that there will be an open vacancy arising at Cochin on the same subject in which he was working at Calicut. Hence he has filed Annexures A-4 and A-5 representations. But still these representations were not considered. Hence he has filed this OA.

2. When the OA came up for admission, we have heard Mr. Mohammed Ravuf, learned counsel for applicant and Mr. T.P. Sajan, learned counsel for respondents on receipt of a copy of the OA. We have perused the documents filed along with the OA. Counsel for the applicant submits that the applicant was working at Calicut for the last 15 years and his native place is Cherthallai. His wife is now employed in a aided school which is a non transferable post and he is having a child of 11 years. On considering all these aspects and knowing that a open vacancy is going to arise at Cochin, he applied for transfer. However, when a vacancy arose at Cochin, the 4<sup>th</sup> respondent has now been appointed in that post. Hence the applicant submitted Annexures A-4 & A-5 representations.

3. Counsel for respondents, Mr. T.P. Sajan submitted that the post has already been filled up by a new hand, viz., the 4<sup>th</sup> respondent, it is not possible to consider the transfer of the applicant.

4. We have considered the contentions taken by the counsel for the parties. The case of the applicant is that he being a native of Cherthallai and his wife is employed at Cherthallai, his case has to be considered sympathetically. Apart from that, since the 4<sup>th</sup> respondent is a new hand, the Department can consider the case of the applicant in preference to the appointment given to the 4<sup>th</sup> respondent. In the above circumstances, we feel that without considering the merit of the case as such, it is only proper that the 3<sup>rd</sup> respondent shall consider Annexures A-4 and A-5



representations and pass appropriate orders thereon within a reasonable time, at any rate within 15 days from the date of receipt of a copy of this order. Ordered accordingly. No order as to costs.

Dated, the 5<sup>th</sup> April, 2010.



**K GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**JUSTICE K.THANKAPPAN**  
**JUDICIAL MEMBER**

VS