

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.299/2004.

Wednesday this the 28th day of April 2004.

**CORAM:**

HON'BLE MR. A. V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H. P. DAS, ADMINISTRATIVE MEMBER

(By Advocate Shri T.C.Govindaswamy)

vs.

1. Union of India represented by the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts, West Block IV, R.K.Puram, New Delhi-66.
3. Controller of Defence Accounts, Annasalai, Thenampet, Chennai-18.
4. The Defence Pension Disbursing Officer, Kochi-15.

Respondents

(By Advocate Mr.R.Madanan Pillai, ACGSC)

The application having been heard on 28.4.2004, the Tribunal on the same day delivered the following:

ORDER

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

The applicant, a Senior Auditor in the office of the Defence Pension Disbursing Officer, Kochi has filed this application challenging A-1 order dated 24.2.2004 by which he has been transferred and posted to Kannur as also A-9 order dated 29.3.04 by which his representation has been rejected with a cryptic order. The applicant seeks to set aside these two orders and for a direction to the respondents to consider the retention of the applicant in the present place of posting till 31.8.2005, taking into consideration the mental ill-health of his wife.

2. It is seen that the applicant has already filed another application O.A.205/04 aggrieved by the transfer and non-consideration of his representation on merits. The said application was disposed of by A-8 order dated 18.3.04 directing the 2nd respondent, Controller General of Defence Accounts, West Block, New Delhi to consider the representation of the applicant taking into account the relevant aspects and to give an appropriate reply.

3. Today, when the matter came up before the Bench for admission, Mr.TC Govindaswamy appeared for the applicant and Shri Madanan Pillai, ACGSC appeared for the respondents. Learned counsel for the respondents stated that the representation of the applicant, pursuant to the decision of the Tribunal in O.A.205/04 is receiving attention and that he would not be relieved till a reply is served on him and that therefore, this application may be closed.

4. Taking note of the statement of the learned counsel for the respondents and the fact that the representation mentioned in O.A.205/04 has not been disposed of on merits and that the said representation is yet to be disposed of on merits and as the applicant would not be relieved from the present place of posting till a reasoned order is served on him, we find that this application has become virtually infructuous. In case the outcome of the representation would be against the interests of the applicant, it would be open for the applicant to seek appropriate relief in accordance with law, on receipt of such order.

5. In the circumstances O.A. is closed without further directions or order as to costs.

Dated the 28th April 2004

12.6.2004

H.P.DAS  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

rv