

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

ORIGINAL APPLICATION NO. 312/1986

K. Ramachandran : Applicant

Versus

1. Director General of Light Houses & Lightships, New Delhi.	X	
	X	
	X	
2. Director, Light Houses and Lightships, Madras.	X	Respondents
	X	
	X	
3. Director, Light Houses and Lightships, Cochin.	X	
	X	
	X	
4. Union of India.	X	

M/s S. Parameswaran, Joy Joseph and P.V. Lonachan : Counsel for applicant

Shri K. Karthikeya Panicker, ACGSC : Counsel for respondents

CORAM:

Hon'ble Shri G. Sreedharan Nair, Member (Judicial)

ORDER

The applicant, a Head Lightkeeper (Junior) while working at the Manappad Point Light House, Tirunelveli district, Tamil Nadu, which falls within the jurisdiction of the Madras district has filed this application challenging his transfer to the Kalpeni Light House in Cochin district by the order dated 14-3-1986. It is alleged that while the applicant was working at Port Blair

district in Andaman Nicobar Islands , on account of domestic problems requested for a transfer to any Light House in the Madras district. By the order dated 31-5-1980 it was allowed. It was made clear in the order that the seniority of the applicant would be counted only from the date of his reporting for duty at the Quilon Light House. Within a period of three years the applicant was transferred from Quilon Light House to Manappad Point Light House. By the impugned order he has been transferred from there to take charge at Kalpeni Light House in Cochin district. It is urged that it is by forgoing his seniority that the applicant obtained a transfer to Madras district, so as to enable him to have a posting near his home town in Kanyakumari district, Tamil Nadu, and that the impugned order of transfer is malafide, not in public interest and amounts to abuse or misuse of power.

2. A reply has been filed by the respondents wherein it is stated that on his transfer to Madras district he became the junior most Head Lightkeeper (junior) in the district as on 26-6-1980, and that on account of a Head Lightkeeper (junior) at Pulicat Light House in Madras district having been rendered surplus, the junior most Head Lightkeeper (junior)

had to be adjusted elsewhere and it was on that account the applicant was transferred to Cochin district where a vacancy arose on account of the promotion of the incumbent there. It is stated that as the Madras district and the Cochin district maintain a common seniority list in the grade of Head Lightkeeper, no prejudice is caused to the applicant by the transfer.

3. The point that was stressed by the counsel of the applicant was that when the applicant was transferred from Port Blair district to Madras district on his request, after forgoing several benefits including seniority, it was totally unfair to transfer him out of the district. Though the submission may appear to be impressive, it cannot stand scrutiny, when the circumstances under which the transfer has been made are carefully considered. By his transfer to Madras district the applicant became the junior most among the Head Lightkeeper (junior) in the district. One post of Head Lightkeeper (junior) in the district was rendered surplus as a result of change of petroleum vapour light to electric light to provide increased navigational assistance to mariners. Consequently the post had to be surrendered, and the services of the

junior most Head Lightkeeper (junior) had to be placed at the disposal of the Surplus Cell. However taking into account the service already rendered by the applicant and having regard to the fact that the vacancy of a Head Lightkeeper (junior) arose in Cochin district on account of the promotion of the incumbent, the applicant was transferred to that post. As such it cannot be said that the transfer was not on account of administrative exigencies or was passed on extraneous considerations. As it is made clear in the reply filed by the respondents that a common seniority list is maintained as regards Head Lightkeepers in the Madras and Cochin districts, the applicant cannot have any apprehension as to his present seniority in view of the order of transfer.

4. In the circumstances I find no reason to interfere with the order of transfer. However I would like to add that in view of the peculiar circumstances under which the applicant secured a posting in Madras district, he shall be brought back to the Madras district in the next vacancy of Head Lightkeeper (junior) that arises ~~in future~~. Subject <sup>direction</sup> to the aforesaid ~~observation~~ the application is dismissed.

  
(G. Sreedharan Nair)  
Member (Judicial)  
7-10-1987