

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 326 of 1993.

DATE OF DECISION 17-3-1993

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TA Aiyappan Applicant (s)

Mr K Shri Hari Rao Advocate for the Applicant (s)

The Chief Engineer^{Versus}
Southern Command, Pune-1 Respondent (s)
and others.

Mr Joy George, ACGSC Advocate for the Respondent (s) R 1-3
Mr AK Madhavan for Respondent-4

CORAM :

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

The applicant, Shri T A Aiyappan aggrieved by the impugned order dated 28.1.93 at Annexure-I of Respondent-2 transferring him from the Office of Respondent-3 to Garrison Engineer E/M, Cochin has approached this Tribunal by filing, this application under Section 19 of the Administrative Tribunals Act of 1985 praying for a direction to be given to the respondents for setting aside the impugned orders at Annexure-I and Annexure-II. His main contention is that he has been posted to an executive duty post and that he is not in a position to carry out the transfer because of the illness of his wife who is reported to have been bed-ridden due to a road accident. He further states that he joined the present post and has not completed three years of his present assignment and there are seniors to him who can be transferred instead of him.


2 Learned counsel for the respondents has stated that the applicant has been transferred from one office to another and the present duties will not stand in the way of helping his wife who is bed-ridden due to an accident. As a matter of fact, as per information gathered by the respondents, the applicant will have enough time and moreover, there are number of officials to assist him in the new post. They further content that the two seniors cannot be shifted at the present juncture as the seniormost man, namely, one Shri Gopalakrishna Kurup has been entrusted with a specific job of planning and estimating and he cannot be disturbed in the middle. The next seniormost Smt Reena is pregnant and is likely to proceed on maternity leave shortly. Hence, the department has decided to transfer the present applicant to that post of Garrison Engineer, E/M, Cochin forthwith. The respondents further submit that the transfer of the applicant forthwith is essential in the administrative interest.

3 I have heard the learned counsel for both the parties. I see no malafide intention in this matter. The applicant also has not brought on record any malafide intention on the part of the respondents in ordering this transfer. He only pleads for time to carry out his present transfer in view of the illness of his wife as per Medical Trust Hospital, Kochi

Discharge Summary at Annexure-4. Though I see no reason for setting aside the Annexure-I and Annexure-II orders as prayed for by the applicant, a lenient and sympathetic view can be taken by granting time for carrying out the transfer by the applicant in view of the illness of his wife.

4 Accordingly, I dispose of this application with a direction to the respondents that the applicant may be retained in the present post for a period of one month from the date of receipt of a copy of this judgment, after which he may be relieved of his duties to carry out his transfer to the Office of the Garrison Engineer, E/M, Cochin.

5 There will be no order as to costs.



(R Rangarajan)
Administrative Member
17-3-1993