

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.33/05

Wednesday this the 12th day of January 2005

C O R A M :

HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

Narayanan Edacherry,
Clerk A/c. No.8332711,
Pay Account Office (Other ranks),
Defence Service Core, Mill Road,
Kannoor - 13.

Applicant

(By Advocate Mr.V.Ajith Narayanan)

Versus

1. Union of India represented by
its Secretary, Ministry of Defence,
New Delhi.
2. The Controller General of Defence Accounts,
R.K.Puram, New Delhi.
3. Controller of Defence Accounts,
Annasalai, Teynampet,
Chennai - 18.
4. The Assistant Controller
Defence Accounts (Incharge),
Pay Account Office (Other ranks),
Defence Service Core,
Mill Road, Kannoor - 13.

Respondents

(By Advocate Mr.T.P.M.Ibrahim Khan,SCGSC)

This application having been heard on 12th January 2005
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

The applicant presently working as Clerk in the Pay
Account Office of the Defence Service Core, Kannoor is aggrieved
by the order of his transfer from Kannoor to Meerut. Learned
counsel for the applicant argues that under Clause 373 of the
transfer policy guidelines persons above 54 years of age would
not normally be subjected to transfer and such persons if not

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serving at their home stations or stations of their choice would be repatriated to their home/choice stations to the extent administratively feasible. Here according to the learned counsel for the applicant it is a case where the applicant is not only 54 years old, he is also stationed in a choice station and is at the fag end of his career. He has not been served with an alert memo at any point of time. In this situation the applicant made a representation on 28.12.2004 which is still not disposed of by the appropriate authority. But Annexure A-7 gives the impression that the application has been forwarded to the appropriate authority but decisions are not forthcoming. Instead, a local authority is directing him to be relieved on 17.1.2005 and preventing him from making any further representation. Learned counsel for the respondents submitted that since the applicant had already made a representation he would be entitled to receive a considered reply from the appropriate authority and until then the respondents would have no objection in retaining him wherever he is.

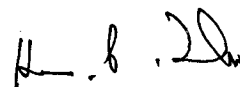
2. In balance I think it would meet the end of justice if the applicant is allowed to continue in the present station until his representation is considered by the appropriate authority and a reasoned reply is given to him.

3. Thus the application is disposed of with the orders that the applicant's pending representation would be considered by the appropriate authority within a period of one month from the date

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of receipt of a copy this order and until than the applicant would be allowed to stay in the same station where he is without being destabilised by the operation of the transfer order.

(Dated the 12th day of January 2005)



H.P.DAS
ADMINISTRATIVE MEMBER

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