

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.328/07

Friday this the 21st day of December 2007

C O R A M :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

K.Sasidharan Nair,
S/o.G.Krishnankutty Nair,
Assistant Accounts Officer,
8318129, Zonal Office (DPP),
Thiruvananthapuram – 6.

...Applicant

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Versus

1. Assistant Controller of Defence Accounts,
Zonal Office (DPP), Thiruvananthapuram.
2. Controller of Defence Accounts,
618, Anna Salai, Teynampet, Chennai – 18.
3. Controller General of Defence Accounts,
R.K.Puram, New Delhi.
4. Union of India represented by its Secretary,
Ministry of Defence, New Delhi.

...Respondents

(By Advocate Mrs.Mini R Menon,ACGSC)

This application having been heard on 21st December 2007 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant is aggrieved by his transfer order from Thiruvananthapuram to Tirunelveli and rejection of his representation for retention at Thiruvananthapuram or posting at Coimbatore. It is stated by the respondents vide additional reply statement, which is taken on record today, that attempts were made by the respondents to ascertain whether

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any vacancies are available in the centrally controlled (by Headquarters) stations like Coimbatore, Chennai etc. but at present there are no such vacancies and even if vacancies arise, there are other seniors to the applicant awaiting their posting to Coimbatore.

2. The applicant's main reason for request for retention at Thiruvananthapuram or posting at Coimbatore is that he has had stroke on 3.10.2005 whereby he is not in a position to function normally. The CDA vide Annexure A-7 has stated as under :-

" The contention of the individual that he should be exempted from transfer so that he can continue his medical treatment at Trivandrum is also not acceptable. Exemptions, if any, can be granted only in the rarest of rare cases and the condition of the individual does not certainly qualify for that status (the stroke has occurred in October 2005 and the individual is taking treatment for the last 1 ½ years), more so when he is able to perform his duties without much extra effort."

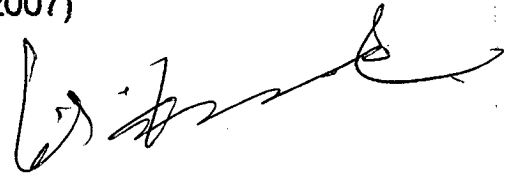
3. Though the CDA has expressed his opinion as above, where health grounds are involved it would always be appropriate to ascertain the actual state of an individual by referring the matter to the competent medical authority. If as per medical authority's opinion, the individual could be able to perform his duties without much extra effort, the same may endorse the views of CDA and if otherwise, not.

4. In the interest of justice, it is directed that the respondents shall arrange for medical examination of the applicant in any of the Government Hospitals at Thiruvananthapuram and the applicant shall present himself on the appointed day for such medical examination and

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on receipt of the medical opinion, CGDA shall come to a judicious conclusion whether to retain the applicant at Thiruvananthapuram (or post him at Coimbatore) or to post him out. Let this be done within a period of four weeks from the date of communication of this order. With the above the O.A is disposed of.

(Dated this the 21st day of December 2007)



K.B.S.RAJAN
JUDICIAL MEMBER

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