

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 330 1990
XXXXXX

DATE OF DECISION 24.1.1991

K.Ravindran Applicant (s)

M/s KP Dandapani & Advocate for the Applicant (s)
K Jaju Babu Versus

CIFT, Willingdon Island, Respondent (s)
Matsyapuri PO, Kochi & Another

Mr.PVM Nambiar Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan - Judicial 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

(Mr.A.V.Haridasan, Judicial Member)

In this application filed under Section 19 of the Administrative Tribunals Act, the applicant, Dr.K.Ravindran Division in the Central Institute of Fisheries Technology, a Principal Scientist in Fishing Technology, Kochi has challenged the Annexure-A1 order of the Director, CIFT dated 3.3.1990 to the extent of transferring him from Kochi to Vemraval Research Centre. The averments in the application sufficient for its disposal can be briefly stated as follows.

2. The Central Institute of Fisheries Technology (CIFT) is one of the Research Institute under the Indian Council of Agricultural Research (ICAR). The applicant is a Principal

Scientist under the Agricultural Research Service introduced by the ICAR on 2.10.1975. Originally there were 7 Scientific Divisions in CIFT, namely, Craft, Gear, Processing & Packaging, Bio Chemistry and Nutrition, Micro-biology, Engineering, Electronics & Instrumentation, Extension Education and Statistics. Later, this was reorganised into 5 Divisions. The Craft and Gear Divisions were amalgamated as Fishing Technology Division. The Bio-chemistry & Nutrition Division and Micro-biology Divisions were reclassified as Bio-chemistry Nutrition and Micro-biology Division. This reorganisation was made by the first respondent as per the guidelines issued by the second respondent as per letter No.2(1)/88-WS dated 2.2.1988 wherein it was clarified that the former divisions will be recognised as Sections. The Fishing Craft Division/Section of the CIFT is the premier research wing in the country for investigations on Fishing Vessels/Crafts. The Craft Division deals with the research investigations on development of cheap building materials for Fishing Boats instead of conventional costly timbers like teak and cheaper substitute for costly copper and brass fastenings and fittings and find out the suitability of materials like Ferrocement, fibre glass reinforced plastics, aluminium, steel etc. other than wood for fishing boats and working out protective measures for fishing boats and components against deterioration in the marine environment. Facility for research work in fishing craft technology is available only in the headquarters of the CIFT, Kochi. Eversince the applicant joined the CIFT in the year 1963

he has been specialising in Fishing Craft Technology and Corrosion Technology. He has taken his Doctorate in Corrosion Technology (Materials Technology) from the University of Louvain (Belgium). For the last 25 years he has been heading the research work in fishing craft. Several research projects in this field had been completed under his leadership. The scheme number-1 of the VIIIth Five Year Plan for the period from 1990-95 (Annexure-V) deals with the development of Fishing Vessels and scheme No.3 relates to development of fishing gear technology. The applicant is given 100% time allocation as the leader of the Development Research Works on Fishing Vessels in scheme No.1. The applicant is the project leader for the Research Proposal No.1 which relates to studies on the construction and maintenance of medium and large class of fishing vessels in wood and steel for the exclusive Economic Zone which started in April, 1988 and is expected to be completed in December, 1993. There are six Scientists associated with him besides a T-5 Naval Architect in the project. The location of the project is at the headquarters at Kochi. In a Research Project undertaken at the Craft Division under the leadership of the applicant, on developing an inshore fishing craft using alternative construction materials, the design of the Aluminium Boat has been completed. For want of funds, marine graded corrosion Aluminium Alloy Plates have just been ordered and the supply is awaited shortly. Being the leader of the Project, the presence of the applicant at Kochi is essential to undertake this novel

construction from the designs already developed. The transfer would of the applicant at this juncture disrupt the project undertaken under taken under his leadership. The Ve~~raval~~ Research Centre is conducting studies on the research components like Sputnik, ✓ ✓ Shrimp Trawl, P.V.C. Otter Board for fishing nets, field studies on hooks for Shark and Polypropylene Gill nets. Considering his academic qualification, research experience and expertise, the applicant will have nothing to contribute at Veeraval on the scientific side since the work relating to fishing gear and processing are alien to his branch of research whereas the present project in which the applicant is involved as the leader of the project is likely to be disrupted by his transfer to Ve~~raval~~ by the impugned order in the middle of the project. If the impugned order of transfer is given effect to, the project in which the applicant is involved would be disrupted and the applicant also will be deprived of opportunity to advance his career in the field of research in which he has been deeply involved for many years. Further, as a Scientist in-charge at Ve~~raval~~, his time will have to be utilised in discharging administrative functions with little scope for research and development of career. For these reasons the applicant submitted a representation for reconsideration of the question of his transfer. During the pendency of the application, this representation was disposed of by Annexure-XIV order dated 24.5.1990 rejecting the same. The applicant prays that the impugned orders at Annexure-I and XIV may be quashed and that he may be directed

to be continued at Kochi in his present assignment.

3. The respondents have in the detailed reply statements contended that the transfer of the applicant has been ordered only in the interest of the Institute, that the Project in which the applicant is involved will not at all be affected by his transfer because other Scientists having the requisite qualification and the naval architects are also retained in Kochi for carrying out the project and that the expertise and research experience of the applicant can be usefully utilised at Veraval. They have also prayed that as the transfer of the applicant who has been all along working in Kochi has been made only in the interest and with a view to utilise his services to the best interest of the institution, the impugned orders may not be interfered with.

4. We have heard the arguments of the learned counsel on either side and have also carefully gone through the documents produced. The main grounds on which the applicant has challenged the impugned order of transfer is that by his transfer, the project in which he is deeply involved would be disrupted and that he would be deprived of the opportunity and facility to advance his career by continuing the research in the field in which he has been deeply involved for many years. Regarding the contention of the applicant that the project would be disrupted, the respondents have made it clear that naval architects and Scientists who have requisite qualification in corrosion technology are retained in Kochi, the

project will not suffer by the absence of the applicant here.

It has also been contended that even from Ve~~raval~~ he can lead the project. Meeting the averment of the applicant that he would be deprived of opportunity to advance his career, it has been contended that since the magnitude of corrosion experienced in Ve~~raval~~ is of great significance as a multiple fishing harbour project is being set up at Veeraval with the aid of World Bank, there is ample scope for the applicant to continue research in his specialisation, namely Corrosion Technology and Material Technology. It is contended that the experience, knowledge and expertise of Dr. Raveendran in the field of Corrosion Technology can be utilised to the best advantage at Ve~~raval~~. On a careful consideration of the facts and circumstances disclosed in the pleadings and in the documents produced, we are not in a position to find that the apprehension of the applicant that the project in which he has been hitherto working would be jeopardised by his transfer. We are also not convinced that the applicant would be deprived of an opportunity to continue his research work because at Veraval also the applicant is posted as a Scientist-in-Charge with scope for research in the field of corrosion of Marine Structures in Ve~~raval~~ coast. There is no averment that the Committee which decided about the transfer acted malafide in ordering the transfer of the applicant. It is difficult to believe that the applicant alone is

interested in the fulfilment of the project work and that the Director and the Members of the Committee are not at all interested. In the representation submitted by the applicant on 3.4.1990, Annexure-11, requesting for cancellation of his transfer apart from, that the project would suffer, and that, he would be deprived of opportunity to advance his career if the transfer is given effect to, the applicant has stated that, his house construction and daughter's education would be jeopardised if he has to leave Kochi immediately. On a careful appraisal of the facts and circumstances, we feel that rather than his love for the project and zest for research and career advancement the applicant was motivated by his more personal problems namely, construction of the house and daughter's education in seeking a cancellation of the transfer. We are of the view that the interest of service has to be given more importance than personal convenience of individual officers. The learned counsel for the applicant argued that, though the respondents contested OA 471/90 filed by Dr.Lal Mohan, Principal Scientist, CMFRI, Kochi, challenging his transfer to Vellore and though this Tribunal dismissed the above application, the ICAR has by order dated 4.9.1990, Annexure-XXI subsequently cancelled the transfer of Dr.Lal Mohan, and that by a similar order, Annexure-XXII, transfer of Dr.Chinnamma George was also deferred, and that this would show that there is no merit in the contention of the respondents that the transfers of Scientists were made in the exigencies of service

The fact that the transfer of Dr.Lal Mohan was cancelled subsequently, and that the transfer of Dr.Chinnamma George was deferred doesnot ipsofacto show that the transfers of Scientists in general were not made in public interest. As in those cases, it is open for the respondents in the case of the applicant also to reconsider the question of the applicant's transfer, if they find that it is expedient to do so. But from the materials placed before us, we have no reason to suspect that the impugned order of transfer of the applicant from Cochin to V~~er~~aval was made mala^fide on account of any personal vendetta against the applicant or with an intention to torpedo the successful completion of the project in which the applicant was involved. We, therefore, find no justification to interfere with the decision of the respondents to transfer the applicant.

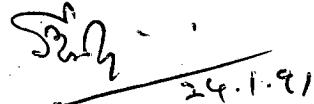
5. The learned counsel for the applicant submitted that, as the daughter of the applicant is studying in the 11th standard and as his house construction is in the midway it would cause great hardship to the applicant if he is to move to V~~er~~aval in the midst of the academic year. Though the impugned order of transfer was issued at the end of the academic year, now that by reason of the order of interim stay, the applicant had continued at Cochin, we feel that, in the interest of justice it has to be directed that the impugned order of transfer should be given effect to only after 30th

March, 1991.

6. In the result, finding that there is no merit in the application, we dismiss the same and uphold the impugned order of transfer at Annexure-A1 and rejection of the representation at Annexure-XIV. But we direct that in the circumstances mentioned above, ~~the~~ the impugned order of transfer at Annexure-A1 should be given effect to only after 31.3.1991. We further make it clear that this order will not be a bar for the respondents to reconsider the question of the applicant's transfer if they deem ^{it} feasible and expedient. There is no order as to costs.



(A.V.HARIKASAN)
JUDICIAL MEMBER


24.1.91

(S.P.MUKERJI)
VICE CHAIRMAN

24.1.1991