

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.333/2002

Tuesday, this the 28th day of May, 2002.

CORAM;

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. P.V.Ponnamma,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
2. M.Sreekumar,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
3. N.A.Sebastian,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
4. K.Ramakrishnan,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
5. M.Ramanathan,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
6. N.Madhava Kurup,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram.
7. N.Gopalakrishnan Nair,
Section Supervisor,
O/o the /Regional Provident Fund Commissioner,
Thiruvananthapuram.
8. B.Ambikadevi,
Section Supervisor,
O/o the Regional Provident Fund Commissioner,
Thiruvananthapuram. - Applicants

By Advocate Mr Pirappancode VS Sudheer

Vs

1. Union of India represented by the Secretary, Ministry of Labour, New Delhi.
2. Regional Provident Fund Commissioner, Grade-I, Thiruvananthapuram. - Respondents

By Advocate Mr NN Sugunapalan

The application having been heard on 28.5.2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicants 8 in number, who are Section Supervisors in the office of the Regional Provident Fund Commissioner, Thiruvananthapuram, have filed this application seeking to quash Annexures A-2, A-10 and A-14. They seek the following reliefs:

- i) Call for the records leading to the issuance of A2 and quash A2, to the extent ignoring the number of rotational transfers, each Section Supervisor has undergone, direction to prepare a roster as on 1st April, without taking into account the rotational transfer, the applicants and similarly placed persons had undergone and addition of the promotee Section Supervisors to the list with the stipulation that their period of stay to be reckoned from the date of promotion and A10 and A14.

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ii) Direct the respondents to evolve a uniform and consistent transfer policy after hearing the applicants and other similarly placed persons and further in tune with the statements contained in A7 expeditiously and within a time limit to be fixed by this Hon'ble Tribunal.

iii) Direct the respondents not to transfer the applicants from the Regional Office, Thiruvananthapuram for accommodating the Section Supervisor who crossed 57 and a half years, new promotees and who had not completed 3 rotational transfers in Thiruvananthapuram.

iv) Declare that the Upper Division Clerks (SG) who are and entrusted with the duties and responsibilities of Section Supervisors in exigencies of service and administrative interest, are also liable to be transferred to the Regional Office and Sub Regional Offices.

v) Declare that the applicants are entitled to continue at Regional Office, Thiruvananthapuram as long as there are no other Section Supervisors in Thiruvananthapuram who have completed 3 years rotational trasnfers, irrespective of their age.

It is alleged in the application that the 2nd respondent had, on a consideration of the difficulties and anomalies regarding rotational transfer, issued an order dated 31.1.02(A-7)

wherein it was stipulated that no exemption from rotational transfer would be given on the ground that an incumbent has completed 58 years of age and that A-10 and A-14 orders which state that the rotational transfer would be governed by the stipulation in A-2 order dated 31.5.2001 is arbitrary and irrational. It is further alleged that although it has been stated in A-10 and A-14 that further instructions are awaited from the headquarters, no decision has been taken so far and that therefore the applicants are put to irreparable hardships.

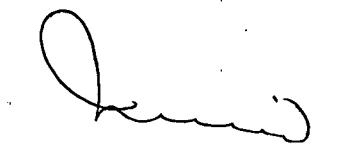
2. We have gone through the application and all the connected papers very carefully and have heard Shri Pirappancode VS Sudheer, learned counsel for the applicant and Shri PK Madhusoodhanan representing Shri NN Sugunapalan, appearing for 2nd respondent.

3. Guidelines and policies in regard to transfers, rotational or otherwise, is to be evolved by the administrative Department/Ministry or Organisation taking into account the administrative exigency, convenience and other related factors. Although the 2nd respondent had at one stage issued A-7, there is no prohibition for the 2nd respondent to supersede that as has been done in A-10. The policy contained in A-2 for preparation of a list of Section Supervisors for the purpose of rotational transfer on the basis of length of

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service does not appear to us to be either irrational or opposed to any reasonable public policy. Therefore, we are not satisfied that there is any reason for judicial intervention in the matter. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 28th May, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER
trs.

A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicants' Annexures:

1. A-1 : True copy of the order in OA 440/98 of this Hon'ble Tribunal.
2. A-2 : True copy of the letter No.HRM.111/9(2)/93/RT dated 31.5.2001 of the 1st respondent.
3. A-3 : True copy of the representation dated 11.10.2001 submitted by the 1st applicant before the 2nd respondent.
4. A-4 : True copy of the representation dt.5.12.2001 submitted by the 3rd applicant before the 2nd respondent.
5. A-5 : True copy of the representation dt.11.10.2001 submitted by 7th applicant before the 2nd respondent.
6. A-6 : True copy of the order No.286/2001 dt.31.10.2001 of the 2nd respondent.
7. A-7 : True copy of the circular No.KR/Adm.1(5)/2002 dt.31.1.2002.
8. A-8 : True copy of the representation dt.12.3.2002 submitted by the 1st applicant before the 2nd respondent.
9. A-9 : True copy of the representation dt.14.3.2002 submitted by the 2nd applicant before the 2nd respondent.
10. A-10: True copy of the circular No.KR/Adm.1(5)/2001 dt.1.4.2002.
11. A-11: True copy of the office order No.27/2002 dt.14.2.2002.
12. A-12: True copy of order No.33/2002 dated 19.2.2002 transferring and posting Smt.D.Vasanthakumari as Section Supervisor to the Sub Regional Office, Kochi.
13. A-13: True copy of the order No.34/2002 dated 19.2.2002 transferring and post Smt.P.Malini Devi as Section Supervisor to the Sub Regional Office, Kochi.
14. A-14: True copy of the memo No.KR/Adm.1(5)/2002 dt.3.4.2002 of the 2nd respondent.
15. A-15: True copy of the office order No.306/2000 dt.16.10.2000.
16. A-16: True copy of the office order No.275/2001 dt.17.10.2001.
17. A-17: True copy of the office order No.59/2001 dt.15.2.2001.
18. A-18: True copy of the office order No.190/2001 dt.18.7.2001.
