

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.340/2002

Monday, this the 3rd day of ~~June~~, 2002.

CORAM;

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

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

P.A.Gokul,
Junior Technician(General),
Department of Lighthouses and Lightships,
Kochi. - Applicant

By Advocate Mr TC Govindaswamy

Vs

1. Union of India rep. by the
Secretary to the Govt. of India,
Ministry of Transport,
New Delhi.
2. Director General,
Department of Lighthouses & Lightsjhips,
A-13, Sector 24, Gautam Budha Nagar,
NOIDA, U.P. PIN: 201 301.
3. Director(General),
Department of Lighthouses & Lightships,
Deep Bhavan,
Kadavanthra P.O.
Kochi-20. - Respondents

By Advocate Mr C Rajendran, SCGSC


The application having been heard on 3.6.2002 the Tribunal on the same day delivered the following:

O R D E R

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


The applicant, a Junior Technician(General) in the Department of Light Houses and Lightships, attached to the Regional Office, Kochi, was by order dated 9.11.2000 (A-1),

transferred along with the post to the Regional Office, Mumbai. Aggrieved by the transfer, the applicant filed O.A.1355/2000 before this Bench of the Tribunal. The respondents resist the application on the ground that as the need of a Junior Technician(General) was more at Mumbai, the applicant was transferred with the post to Mumbai. The Tribunal while declining to quash the impugned order in that case which is A-1 in this case, taking note of the fact that the applicant's transfer was during the midst of the academic session, directed the respondents to keep the relief of the applicant pending till the closure of the academic session. In the meanwhile, before the order in O.A.1355/2000 was pronounced, by an order dated 24.1.2002(A-3), the applicant was promoted as Technician(General) and posted to Mumbai. The applicant, dissatisfied by the order in O.A.1355/2000, approached the Hon'ble High Court of Kerala by filing O.P.No.11030/2002. During the course of hearing, it was brought to the notice of the Hon'ble High Court that the applicant had since been promoted to the post of Technician, that there was a vacancy of Technician(General) in Kochi against which the applicant could be considered. Counsel appearing for the respondents also agreed that a vacancy was existing. Therefore, the O.P. was disposed of directing the respondents to consider the applicant's request for retention as Technician(General) in Cochin and to pass appropriate order. In implementation of the directions contained in the order of the Hon'ble High Court of Kerala, the 2nd respondent passed the impugned order A-8 dated 7.5.2002 considering the request of the applicant for posting as Technician (General)



in the promoted post at Kochi. The claim was rejected on the ground that presently at Kochi, a Technician General is not needed. The need is of a Junior Technician and that the vacancy which arose in the post of Technician(General) is being converted into the Technician(Electronics) to suit the departmental need. As a result of A-8 order rejecting the claim of the applicant for posting at Kochi, another order dated 13.5.2002(A-9) regarding the relief of the applicant was issued. Aggrieved by these orders, the applicant has filed this application seeking to quash A-3, A8 and A-9 orders and for a direction to the respondents to consider the applicant for a posting as Technician(General) in the existing vacancy under the 3rd respondent on promotion, with all consequential benefits arising therefrom, or in the alternative, not to revert the applicant as Junior Technician (General) and allow him to continue in his parent cadre and in his present Unit under the 3rd respondent.

2. When the application came up for hearing, learned counsel for the respondents stated that at the moment, there is no requirement of Technician(General), but admitted that the post of Junior Technician is available. The learned counsel for the applicant then submitted that the application may now be disposed of permitting the applicant to make a representation to the 2nd respondent seeking permission to continue as Junior Technician declining promotion as Technician(General) granted to him by A-3 order and directing the 2nd respondent to consider and dispose of the same with an



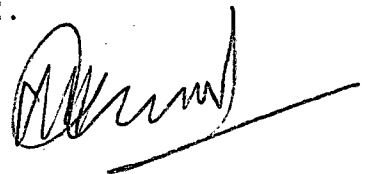
appropriate reply keeping the relief of the applicant pending, till the reply is served on him. Learned counsel for the respondents submitted that the application may be disposed of in that manner.

3. In the light of the above submission of the learned counsel on either side and in the interest of justice, the application is disposed of permitting the applicant to make a representation to the 2nd respondent seeking permission to decline promotion to the post of Technician(General) and to continue as Junior Technician under the 3rd respondent and directing the 2nd respondent that if such a representation is received, the same shall be considered and an appropriate reply given to the applicant within a reasonable time. We further direct that till a considered order of the 2nd respondent on the representation of the applicant is served on the applicant, the applicant shall not be relieved from his present station. No costs.

Dated, the 3rd June, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order bearing No.22/2/88-Admn.I dated 9.11.2000, issued on behalf of the 2nd respondent.
2. A-2: True copy of the order in OA 1355/2000 dated 31.1.2002 of this Hon'ble Tribunal.
3. A-3: True copy of the Office bearing No.1-3/83/78.Estt dated 24.1.2002 issued by the 3rd respondent.
4. A-4: True copy of the representations submitted by the applicant dated 25.1.2002, addressed to the 2nd respondent.
5. A-5: True copy of the representations submitted by the applicant dated 11.4.2002, addressed to the 2nd respondent.
6. A-6: True copy of the representations submitted by the applicant dated 11.4.2002, addressed to the 2nd respondent.
7. A-7: True copy of the order of Hon'ble High Court of Kerala in O.P.No.11030 of 2002 dated 26.4.2002.
8. A-8: True copy of the office order bearing No.24/21/2000 Admn.I dated 7.5.2002 issued by the 2nd respondent.
9. A-9: True copy of the letter No.1-1/36/2001 Admn. dated 13.5.2002 issued by the 3rd respondent.

npp
11.6.02