

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 344 of 2002

Thursday, this the 23rd day of May, 2002

CORAM

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. V. Chandrika,
W/o P.M. Arivandakshan,
Principal Scientist, Central Marine
Fisheries Research Institute, Kochi
(under orders of transfer to
Veraval, Gujarat), residing at Karthika,
Government High School Road,
Edappally, Kochi.Applicant

[By Advocate Mr. M.R. Rajendran Nair]

Versus

1. Union of India, represented by the
Secretary to Government of India,
Ministry of Agriculture, New Delhi.

2. Director General, Indian Council of
Agriculture and Research, Krishi Bhavan,
New Delhi.

3. The Director, Central Marine Fisheries
Research Institute, Post Box No.1603,
Kochi - 682 014Respondents

[By Advocate Mr. P. Jacob Varghese]

The application having been heard on 23-5-2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant has been working as a Scientist under Central Marine Fisheries Research Institute (hereinafter referred to as CMFRI for short), Kochi for the last 31 years and has been sphere heading the Research in the area of Marine Environmental, Microbiology and Fish Pathology. She has been entrusted with the Research work and other students are also completing their work of Doctoral thesis under her guidance and their work is incomplete. At this juncture Annexure A1

transfer order was issued. The applicant submitted two representations dated 8-4-2002, which are Annexure A3 and A4. In response to the same Annexure A2 was issued. Aggrieved by Annexure A1 and A2 orders, the applicant again made a representation on 26-4-2002 to the 2nd respondent, which is Annexure A5. Annexure A6 is a letter assigning two projects with the applicant issued by the 3rd respondent. It is contended in the application that as per the guidelines for Agriculture Research Service Scientist which is effective from 17-11-1980, a Scientist over 55 years of age cannot be transferred without her consent as far as possible. The date of birth of the applicant is 22-11-1946. The true copy of the transfer guidelines is Annexure A7. Aggrieved by the impugned orders of transfer A1 and A2, this Original Application has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

- "i. Quash Annexure A1 and A2.
- ii. Declare that the applicant is not liable to be transferred out of Kochi at this stage and direct the respondents to permit the applicant to continue at CMFRI, Kochi.
- iii. Grant such other relief as may be prayed for and the Tribunal may deem fit to grant, and
- iv. Grant the costs of this Original Application."

2. Sri P. Jacob Varghese took notice for the respondents and submitted that he will get instructions and file a statement. As on date the respondents have filed a detailed statement in which, in paragraph 16, it is stated that:-

"It is submitted that since the applicant has preferred a representation to the Director General, ICAR (Annexure A-5) further action in the matter will be taken only on receipt of the decision from the Director General, ICAR."

3. In an earlier occasion also, the learned counsel for respondents assured that the applicant will not be relieved till a decision is taken by the Director General, ICAR. Learned counsel for the applicant submitted that Annexure A5 representation may be considered by the said competent authority and take a decision.

4. Considering the submissions made by the parties, the 2nd respondent is directed to dispose of Annexure A5 as stated in the reply statement and intimate the decision to the applicant within three months from the date of receipt of a copy of this order. Regarding the interim relief prayed, the operation of Annexure A1 and A2 orders shall stand stayed till the disposal of Annexure A5 representation by the 2nd respondent.

5. The Original Application is disposed of as above with no order as to costs.

Thursday, this the 23rd day of May, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER

ak.

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order No.15-7/2002/Adm. dated 5.4.2002 issued by the 3rd respondent.
2. A-2: True copy of the order No.15-7/2002/Adm. dated 19.4.2002 issued by the 3rd respondent.
3. A-3: True copy of the representation dated 8.4.02 submitted by the applicant to the 3rd respondent.
4. A-4: True copy of the representation dated nil submitted by the applicant to the 3rd respondent.
5. A-5: True copy of the representation dated 26.4.2002 submitted by the applicant to the 2nd respondent.
6. A-6: True copy of the Letter No.D.O.No.FEM/Project/2002 dated 17.4.2002 issued for the 3rd respondent.
7. A-7: True copy of the transfer guidelines for Agriculture Research Service Scientist.

Respondents' Annexures:

1. R-1: Copy of transfer policy
2. R-2: Copy of CMFRI letter No.1-1/77-Adm dated 20.9.79.
3. R-3: Copy of proceedings of the transfer committee dated 5.4.2002.
4. R-4: Copy of proceedings of the transfer committee dated 17.4.2002.
5. R-5: Copy of Annual Reports 1972, 73, 74, 75, 76, 86-87, 87-88, 1992-93, 93-94, 94-95, 95-96, 98-99, 99-2000.
6. R-6: Copy of cadre strength of scientific staff.
7. R-7: Leave Application of the applicant.

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28.5.02