

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D. A. No. 352
P. A. No. 1992

DATE OF DECISION 30.6.92

P.C. Sudhakaran _____ Applicant (s)

Mr. M.R. Rajendran Nair _____ Advocate for the Applicant (s)

Versus

The Secretary, M/O Steel and Mines, Deptt. _____ Respondent (s)
of Mines, New Delhi and others

Mr. N.N. Sugunapalan, SCGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is presently working as Stenographer

Grade-II in the Cochin office under the fourth respondent.

He is aggrieved by Annexure I order by which the applicant is transferred to Bangalore along with the post in which he is working and the fifth respondent, a Stenographer Grade-II who is working at Nagpur Central Region of GSI is transferred to Cochin with the post (Annexure-IA).

2. Originally, the applicant joined as a LDC in the Western Region of GSI at Jaipur in 1972. Later, he was promoted as Grade-III Stenographer and Grade-II Stenographer. He also worked in various places outside Kerala for about

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21 years and on the basis of Annexure-11 request, he was given a posting to Cochin along with the post as stated in Annexure-VII order dated 12th October, 1987. While the applicant was continuing in Cochin, the Deputy Director General, Marine Wing has written Annexure-IV letter to the Director requesting to retain the applicant at Cochin at least for a further period of two years. The concluding portion of the letter is extracted below:

"Under the circumstances, it is earnestly requested to kindly consider the extension of the services of Shri P.C. Sudhakaran, Stenographer Grade-II for a further period of two years and also consider for allotment of additional posts of Stenographer in this wing. A xeroxed copy of letter No. 364/A-22012/9/CGD/PCS/88, dated 28.7.89 received from the Officer-in-Charge, CGD-II, Cochin is also enclosed for your ready reference."

Officer-in-Charge

3. Annexure-V is a further letter sent by the Incharge at Cochin to the Deputy Director General, Calcutta stating that there is acute shortage of Stenographer in AMSE Wing at Cochin. Hence, the service of the applicant may be extended for a further period of one year w.e.f. 9.11.91 as a temporary measure to ensure smooth functioning of the office at Cochin. In spite of these letters, the Director General has issued the transfer orders at Annexure-I and Annexure-IA. The learned counsel for the applicant submitted that Shri Sethumadhavan who is at present working at Nagpur can be posted at Bangalore in the post in which the applicant is posted so that the applicant need not be disturbed and the department will not suffer in any manner by giving such posting. The recommendations contained in Annexure-IV and V will simply prove the necessity of continuance of the applicant at Cochin. It is to highlight all these aspects that the applicant has filed Annexure-XIII representation dated 13.2.92 before the Director General, GSI, Calcutta. He has stated in detail the desirability of

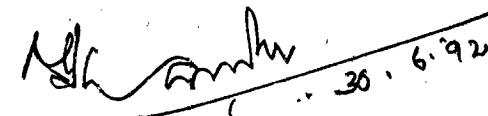
continuance of the applicant at Cochin. He has also stated some personal problems which may aggrevate if the impugned order is implemented. He has prayed for a sympathetic consideration of his prayer for continuance at Cochin.

4. Though the respondents have filed reply and additional reply, they have not stated whether the Annexure-XIII representation of the applicant submitted on 13.2.92 has been disposed of considering the claims of the applicant.

5. Since the representation submitted by the applicant against Annexure-I transfer order is even now pending and that the transfer of the fifth respondent to Cochin has been stayed by the DG himself as per order No. A 22012/20/87-15A Calcutta dated 1 April, 1992, I am of the view that the interest of justice will be met in this case if I dispose of the application itself with a direction to the second respondent to consider and dispose of Annexure-XIII representation as expeditiously as possible, at any rate, without any delay, in accordance with law. Accordingly, I issue the same direction. I further direct the second respondent to keep in abeyance the impugned orders Annexure-I and I-A till he passes orders on Annexure-XIII as directed above.

6. The application is accordingly disposed of as above.

7. There will be no order as to costs.


30.6.92

(N. Dharmadan)
Judicial Member

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