

OA 364/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 352/91 and 364/91

DATE OF DECISION : 7-3-1991

1. OA 352/91

P Aravindakshan : Applicant
Vs.
The Chairman, Central : Respondents
Water Commission, New Delhi
and others
Mr KP Satheesan : Advocate for the applicant.
Mr P Sankaran Kutty Nair, : Advocate for the respondents.
ACGSC

2. OA 364/91

SV Pai : Applicant
Vs.
The Chairman, Central : Respondents
Water Commission, New Delhi
and others.
Mr N Sukumaran : Advocate for the applicant
Mr George Joseph, ACGSC : Advocate for the respondents.

CORAM

The Hon'ble Mr SP Mukerji, Vice Chairman
and
The Hon'ble Mr N Dharmadan, Judicial Member

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

JUDGMENT

Shri SP Mukerji, Vice Chairman

We have before us two applications, OA 352/91 and 364/91 which are inter-connected for the circumstances explained below and therefore, we dispose of both these applications by a common order as follows.

2. The applicants of these cases are working as Research Assistants under the Central Water Commission (CWC).

The applicant in OA 352/91 Shri Aravindakshan is now

working at Varanasi and the applicant in OA 364/91

Shri SV Pai at Cochin. In accordance with the order

dated 4.5.90 Shri Aravindakshan was transferred from

Varanasi to Cochin and ^{one} Shri MM Mathew was transferred

from Cochin to Varanasi. Shri Mathew moved this Tribunal

in OA 730/90 in which both the applicants before us

were respondents. By the order of this Tribunal dated

23.11.90 to which one of us was a party, the aforesaid

order dated 4.5.90 in so far as Shri Mathew was concerned

was set aside and the Respondents 1 & 2 therein were,

however, given the liberty to implement the transfer

order to the extent of 'transferring Shri P Aravindakshan,

Respondent-3 to Cochin by considering the transfer of

the person who has got longer stay than the applicant (Shri Mathew),

at Cochin in accordance with rules and guidelines in

that regard'. In implementation of this direction

Shri Mathew was allowed to stay at Cochin, but in order

to accommodate Shri Aravindakshan from Varanasi to Cochin, Shri SV Pai who is the applicant in OA 364/91 has been transferred to Varanasi in accordance with the impugned order dated 13.12.90 at Annexure-I in OA 364/91 and Annexure A3 in OA 352/91. This order has not yet been implemented to the grievance of Shri Aravindakshan who filed a representation before the Executive Engineer at Cochin (Annexure A4) in OA 352/91. The Executive Engineer replied to Shri Aravindakshan at Annexure A5 impugned letter dated 11.2.91 informing him that since Shri Pai had represented against his transfer to Varanasi, he will be relieved on receipt of the decision from the Chairman, CWC. The position now, therefore, is that Shri Aravindakshan, the applicant in OA 352/91 has not been allowed to be relieved from the post at Varanasi to join the post at Cochin by the impugned letter dated 11.2.91 because the applicant Shri SV Pai in OA 364/91 who was to go to Varanasi by the impugned order dated 13.12.90 has represented against his transfer to the Chairman.

3 We have heard the arguments of the learned counsel of both the parties of these two applications as also the learned counsel for the Chairman, CWC who is the 1st Respondent in both these applications. We feel that in the interest of justice, at this stage, it will suffice if both these applications are disposed of with

appropriate directions. Accordingly, we dispose of both these applications with the following directions:

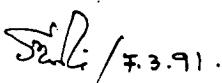
(a) Shri Aravindakshan, the applicant in OA 352/91 shall submit a representation to the Chairman, CWC regarding implementation of the order dated 13.12.90 at Annexure A3 in that O.A. ~~to the Chairman, CWC~~ ^{to the} _{in} within a period of one week from to-day.

(b) The Chairman, CWC i.e., Respondent-1 in both the applications shall dispose of the representation dated 26.12.90 filed by Shri SV Pai, the applicant in O.A 364/91 at Annexure-VI as also the representation ~~to be~~ ^{to be} filed _{by} Shri Aravindakshan in accordance with (a) above, within a period of one month from the date of communication of this order and _{either} review the order dated 13.12.90 at Annexure A3 in OA 352/91 or give directions to implement the same _{in the light of the decisions taken} on the two representations.

(c) Any order passed either to review the order dated 13.12.90 or to implement the same after the disposal of the representations of Shri SV Pai and Shri Aravindakshan should be given effect ^{to} _{only after communicating a copy of} the same to both the applicants as also communicating the decisions on their respective representations.

(d) There will be no order as to costs.


(N. Dharmadan) 7.3.91
Judicial Member


(S.P. Mukerji)
Vice Chairman