

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:37/2007.
DATED WEDNESDAY THIS THE 25TH DAY OF APRIL, 2007.**

CORAM:HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

K.C.Joseph
Assistant, Office of the Garrison Engineer,
(Independent), (Naval Works),
Military Engineer Services,
Fort Kochi. ... Applicant

By Advocate Mr.P.K.Madhusoodhanan

V/s.

- 1 The Chief Engineer,
Head Quarters,
Southern Command, Pune-1.
- 2 The Garrison Engineer(Independent),
Naval Works, Military Engineer Services,
Fort Kochi.
- 3 Union of India,
Represented by the Secretary,
Ministry of Defence,
Kashmir House,
New Delhi. ... Respondents

By Advocate Ms.Jisha for
Mr.TPM Ibrahim Khan SCGSC

The application having been heard on 25.4.2007 the Tribunal delivered the following on the same day:

Hon'ble Mr George Paracken, Judicial Member

(ORDER)

1 The applicant is aggrieved by the Annexure A-1 transfer order dated 27/7/2006 by which he has been transferred from CE(NW)Kochi GE(1) NW F/Kochi to CE CZ Chennai CWE Wellington. On receipt of this transfer order, he made a representation to the respondents and its operative part is reproduced as under:-

"Taking into account the illness being
suffered by me and my son and the advises from the

Doctors from whom we take treatment, I humbly request your goodself to give me a change of station to "Coimbatore" or Ezhimala (a tenure station), so that I could avoid the fear of getting my illness worsened and serve the department better. If not your good self is humbly requested to grant me deferment up to 30 Apr 2007 so that I could shift my children from the present academic discipline to a local academic discipline and move peacefully on my posting."

2 The second respondent forwarded his aforesaid representation to the first respondent and recommended for a change of station to Coimbatore or Ezhimala taking into consideration of his past services in Out Stations, as well as his son's ill health and his inability to shift his family. The second respondent has also informed the first respondent that the retention of the applicant till 30th April, 2007 in the present station is essential for the smooth functioning of the office. The applicant has approached this Tribunal with the present OA as he did not get any favourable response from the first respondent to his representation.

3 While considering the matter on 15/1/2007, this Tribunal restrained the respondents from relieving the applicant from the present place of posting till the next date of hearing. The Interim Order passed on 15/1/2007 continued for want of reply from the respondents. The respondents have now filed reply as well as an application for vacation of the stay already granted.

4 I have heard Mr.P.K.Madhusoodhanan and Ms.Jisha for Mr.TPM Ibrahim Khan SCGSC for the applicant and respondents respectively and have also gone through the pleadings.

5 The representation of the applicant itself is quite limited. He had given two options, (1) that he should be posted to his choice stations at Coimbatore or Ezhimala. (2) or to defer his posting to CE CZ Chennai CWE Wellington till 30/4/2007. Even the second respondent while forwarding his representation to the first respondent has recommended for

his retention up to the end of April, 2007.

6 In this view of the matter, the second alternative sought by the applicant in his representation dated 17/8/2006 is granted in the interest of justice. The applicant is, accordingly, allowed to remain at the present place of posting at Cochin till 30/4/2007. Thereafter, the applicant shall abide by the Annexure A-1 transfer order dated 27/7/2006. The OA is disposed of in the above terms. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

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