

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....
O.A. No. 382 of 1995.

Tuesday this the 21st day of March, 1995.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C. Muraleedharan,
Senior Administrative Officer,
now under orders of transfer from
Directorate of Oil Seeds Research
Hyderabad to Central Marine
Fisheries Research Institute, Cochin... Applicant

(By Advocate Shri C. Raghavan)

Vs.

1. The Director, Central Marine
Fisheries Research Institute
(CMFRI) Cochin-14.
2. Secretary, Indian Council of
Agricultural Research (I.C.A.R.),
Krishi Bhavan, New Delhi.
3. The Director, Directorate of
Oil Seeds Research, Hyderabad.
4. P. Bapaiah, Senior Administrative
Officer, Central Marine Fisheries
Research Institute, Cochin-14. .. Respondents

(By Advocate Shri Jacob Varghese (R.1-2)

(By Advocate Shri P.V. Mohanan (R-4)

ORDER

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant who was the Senior Administrative Officer of
the Directorate of Oil Seeds Research, Hyderabad, seeks a
direction to permit him to join the post of Senior
Administrative Officer, Central Marine Fisheries Research
Institute (CMFRI for short), Cochin, to which post he stands
transferred by A-1 order issued by the Indian Council of

Agricultural Research (ICAR for short). He submits that he has been relieved from Hyderabad pursuant to A-1 order, that he has reported at Cochin and that he has not been allowed to join that post.

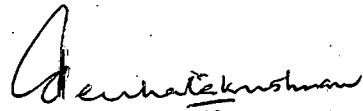
2. Standing Counsel for respondents 1-3 submitted that it is necessary to retain the 4th respondent who has been transferred out, in the larger interests of the organization. He submits that a new Director has taken charge and that the Director will not be able to get on without the service of the 4th respondent, despite of the persuasive arguments of Shri Jacob Varghese, Standing Counsel for respondents, we are not able to persuade ourselves to the view that the Director cannot function effectively without the aid of 4th respondent with whom or with whose quality of work, he claims no familiarity. Be that as it may, we do not think we would issue a direction as prayed for, as counsel for applicant has not been able to point out any legal right in the applicant to get the reliefs prayed for.

3. However, we find that applicant has made a representation A-9 setting out his side of the story and seeking the intervention of the I.C.A.R. It is for the I.C.A.R., 2nd respondent, to consider whether an order passed by it should be reviewed at the instance of the Director CMFRI, whether the applicant should be left high and dry after an order is issued by the ICAR, what it should do with its

own order, and so on. Respondent ICAR will examine these matters and pass appropriate orders. In the meanwhile, the legal right of the applicant to get wages must be protected. We direct 1st respondent to pay applicant the pay and allowances that he had been drawing at the time of his relief, until the situation crystallises and orders passed by the Indian Council of Agricultural Research.

4. Application is disposed of with the aforesaid directions. No costs.

Tuesday this the 21st day of March, 1995.


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

Annexure A1: True copy of the order No.F.4(1)/93 Estt/1/dated 3-3-1994 issued by the 2nd respondent.

Annexure A9: True copy of letter from Applicant to 2nd respondent dated 19-3-1995x