

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 390/2001

Monday this the 13th day of August, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

E.H.Miranda, S/o Henry Miranda,
Lower Division Clerk,
Employees Provident Fund Organisation,
Sub Regional Office, Kottayam
residing at EPF Qr. No.87,
Pattom, Thiruvananthapuram.4. ...Applicant

(By Advocate Ms. Saro A)

v.

1. The Central Provident Fund Commissioner,
The Employees Provident Fund Organisation,
Central Office, Bhavishyanidhi Bhavan,
Hudco Vishala.14, Bikaji Cama Place,
New Delhi.66.
2. The Regional Provident Fund Commissioner,
Kerala, Pattom, Thiruvananthapuram.4.
3. The Regional Provident Fund Commissioner,
Sub Regional Office, Kottayam. ...Respondents

(By Advocate Mr. NN Sugunapalan)

The application having been heard on 13.8.2001, the Tribunal
on the same day delivered the following:

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant an Ex-Serviceman who was initially
employed in the Union Ministry of Industry on account of his
pressing need to join his family in Kerala the applicant
applied for an inter departmental transfer on compassionate
grounds. The applicant was then appointed as a Lower
Division Clerk and posted in the Office of the Regional
Provident Fund Commissioner, Trivandrum in 1996. The
present grievance of the applicant is that by the impugned

order (Annexure.A3) he has been transferred to the Sub Regional Office at Kottayam. The applicant has pursuant to the impugned order joined at Kottayam also. Alleging that the applicant could not have been compulsorily transferred to Kottayam, the applicant has filed this application seeking to set aside the impugned order.

2. The respondents seek to justify the impugned order on administrative grounds. As a Sub Regional Office was established at Kottayam in the absence of sufficient optees from Thiruvananthapuram those who are juniormost in Thiruvananthapuram had to be posted to Kottayam in public interest and the applicant being on such junior had therefore to be transferred, contend the respondents.

3. We have heard the learned counsel on either side and have perused the materials placed on record. Learned counsel of the applicant invited our attention to the copy of minutes of a discussion in Joint Action Council dated 19.8.82 where it is seen recorded as follows:

"It was assured by the Central Provident Fund Commissioner that no Class III/IV staff will be disturbed by way of compulsory transfer on account of opening of Sub Regional Offices in future. The Office Association/Union do not have any objection to opening of Sub Office at Quilon or at any other place, if the above assurance is implemented."

Placing reliance on this the learned counsel of the applicant argued that the applicant could not have been transferred for the reason that Sub Regional Office has been

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opened. We are not persuaded to agree to this argument, when the applicant was appointed in the offer of appointment copy of which is Annexure.R.1(a) it was very clearly stated that though the posting was then to the Regional Provident Fund Commissioner's Office, Trivandrum the applicant carried with him the liability to serve in any part of Kerala Region where EPF Organisation has or may have an office. The compulsory posting of the applicant from Regional Provident Fund Commissioner Office, Trivandrum to the Sub Regional Office, Kottayam became necessary to serve public interest as there was no sufficient number of optees from Trivandrum to go to Kottayam and LDCs were required to man the posts which have been created in Sub Regional Offices, we find no arbitrariness or any other reason which vitiate the action.

4. In the light of what is stated above, we find no merit in the application. If the applicant has any pressing personal problem in continuing at Kottayam, as and when administratively feasible, the administration may consider his retransfer to Trivandrum if he makes a request. With the above observation, the application is dismissed. No costs.

Dated the 13th day of August, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexures referred to:

Annexure.A3: True copy of the Office Order No.211/2000 in letter No.KR Adm.I(1)/SRO/KTM/2000 dated 27.6.2000 issued by the 2nd respondent to the applicant.

Annexure.R.1(a): True copy of the specimen offer of temporary appointment issued to the applicant.

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