

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.393/2002

Friday, this the 7th day of June, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

A.N.Mohanam,
Assistant,
Regional Passport Office,
Cochin. - Applicant

By Advocate Mr Shafik.M.A.

Vs

1. Union of India represented by
Secretary to Government of India,
Ministry of External Affairs,
New Delhi.
2. The Chief Passport Officer &
Joint Secretary(CPV),
Ministry of External Affairs,
New Delhi.
3. The Regional Passport Officer,
Regional Passport Office,
Cochin. - Respondents

By Advocate Mr C Rajendran, SCGSC

The application having been heard on 7.6.2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant is an Assistant, working in the Regional Passport Office, Cochin. He is more than 50% orthopaedically handicapped owing to Polio residual paralysis in the left lower limb. He is also having other ailments. Though by an order dated 19.2.2002, the applicant was transferred to

Ahmedabad. On his representation, the transfer of the applicant was kept in abeyance as is seen from A-6 order. By an order dated 4.4.2002(A-1), temporary deployment of Assistants to Passport Office, Ahmedabad was ordered, in which the applicant's name has been included. Pursuant to A-1 order, another order dated 22.5.2002(A-2) was issued by the 3rd respondent relieving the 7 Assistants from Regional Passport Office Cochin, including the applicant with effect from 22.5.2002 with a direction to report at Regional Passport Office, Ahmedabad on 27.5.2002. When the applicant submitted an application for leave, an order dated 28.5.2002 (A-10) has been issued by the 3rd respondent stating that unless the applicant proceed to report at Ahmedabad, disciplinary action would be taken against him. Under this circumstance, the applicant has filed this application seeking to set aside A-1, A2 and A-10 and for a declaration that the applicant is entitled to continue as Assistant in the Regional Passport Office, Cochin considering his disability and for appropriate direction to the respondents.

2. When the application came up for hearing on admission, Shri C Rajendran, SCGSC took notice on behalf of the respondents. Learned counsel on either side agree that the application may be disposed of permitting the applicant to make a representation to the 2nd respondent for his retention at Cochin and excepting him from temporary deployment to Ahmedabad and directing the 2nd respondent to take appropriate decision and communicate the same to the applicant within a reasonable time and that till such time the an order is served on the applicant, A-1 and A-2 may be kept in abeyance.

[Handwritten signature/initials over the bottom right corner]

3. In the light of the above submission of the learned counsel on either side, the application is disposed of permitting the applicant to make a representation to the 2nd respondent for his retention at Cochin and against the deployment on temporary basis to Ahmedabad, within a week from today and directing the 2nd respondent that if such a representation is received, the same shall be considered taking into account the physical condition as also the family circumstances of the applicant and an appropriate reply given to the applicant as expeditiously as possible, at any rate, within three weeks from the date of the representation. We also direct that the operation of the impugned orders A-1 and A-2 shall be kept in abeyance till an order on the representation as aforesaid is served on the applicant. There is no order as to costs.

Dated, the 7th June, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER
trs


A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicant's Annexures:

1. A-1 : Truecopy of the OM No.V.IV/560/1/2002(Part) dated 4.4.2002 issued on behalf of the 2nd respondent.
2. A-2 : True copy of the Memorandum No.CHN/551/8/2000 dt.22.5.2002 issued by the 3rd respondent.
3. A-3 : True copy of the Medical certificate issued by the Civil Surgeon, General Hospital, Ernakulam dated 17.8.99.
4. A-4 : True copy of the Order Medical certificate dt.26.2.2002 issued by Civil Surgeon, General Hospital, Ernakulam.
5. A-5 : True copy of the representation dt.27.2.2002 submitted before the 2nd respondent.
6. A-6 : True copy of the relevant extract of the Order F.No.V.IV.560/1/2001 dt.10.4.2002 issued on behalf of the 2nd respondent.
7. A-7 : True copy of the Order F.No.V.IV.560/1/2001(Part) dt.9.4.2002 issued on behalf of the 2nd respondent.
8. A-8 : True copy of the representation dt.9.4.2002 submitted before the 2nd respondent.
9. A-9 : True copy of the station wise seniority list of Group 'C' officials of Regional Passport Office, Cochin.
10. A-10: True copy of the Memorandum No.CHN/551/8/2000 dt.28.5.2002 issued by the 3rd respondent.
