

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.395/2002.

Friday this the 7th day of June 2002.

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

C.M.Mukundan, Chief Engineer Grade II,
Cochin Base of Fishery Survey of India,
Kochangadi, Kochi-5. Applicant

(By Advocate Shri K.K.M.Sheriff)

vs.

(By Advocate Shri M.Rajeev, ACGSC (R.1-3)

The application having been heard on 7th June 2002 the Tribunal on the same day delivered the following:

ORDER

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

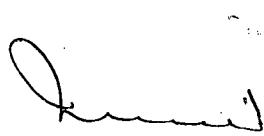
The applicant, a Chief Engineer Grade II, Cochin Base, Fishery Survey of India, was, by A-1 order dated 30.5.02, transferred to Vysakh Base, posting the 4th respondent from Vysakh Base to Cochin Base in his place. It is alleged that the applicant who has old and ailing father and mother and has only three years left to reach the age of superannuation was transferred to Vysakh, only for the purpose of accommodating the 4th respondent, who had hardly completed a service of three years. It is also alleged that the order is without bonafide,

because, there is one more post of Chief Engineer Grade II on which no regular incumbent is posted. With these allegations the applicant has filed this application seeking to set aside the impugned order A-4 to the extent it relates to the applicant. We have heard the learned counsel of the applicant and Shri Rajeev, learned ACGSC, appearing for the respondents 1 to 3. There is no case for the applicant that he is holding a non-transferrable post or that there is any guidelines which prevents transfer of an official who has reached the age of 57 years. That the applicant has old and ailing parents, is not an uncommon factor peculiar to him because the applicant himself is 57 years old. That the applicant's wife who is working in an office near to Cochin, is also not a ground for not transferring him in administrative exigency needs her transfer. Transfer is an incident of service and the competent authority has the right to deploy the staff under him to suit the administrative need. There is no specific allegations of malafides made against the authority who issued the order of transfer. We therefore, do not find any occasion for judicial intervention with the impugned orders.

2. However, taking into consideration the fact that the applicant's mother is hospitalised as also the other background factors, while declining to interfere with the impugned order, on the submission made by the learned counsel of the applicant, we direct that the applicant may be given a month's time to give effect to the order of transfer from today.

3. Application is disposed of as above. There is no order as to costs.

Dated the 7th June 2002.


T. N. T. NAYAR
ADMINISTRATIVE MEMBER


A. V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the transfer request of the applicant submitted before the 2nd respondent.
2. A-2: True copy of the transfer order No.F8-6/95 E.I dated 4.3.97 issued by the 2nd respondent.
3. A-3: True copy of the discharge summary issued to Ms.Thankka dated 8.4.2002 of Department Neurology of Amrutha Institute of Medical Science and Research Centre.
4. A-4: True copy of the order No.F8-6/95 E.I dated 30.5.2002 of the 2nd respondent.

npp
14.6.02