

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.399/2002

Monday this the 10th day of June, 2002

CORAM

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

T.Gajanan,
Junior Deckhand,
Cochin Base of Fishery Survey of India,
Kochangadi, Kochi.5.Applicant

(By Advocate Mr.K.K.M.Sheriff(by Mr.Kunhumoideenkutty)

V.

1. The Zonal Director,
Fishery Survey of India,
Kochangadi, Kochi.5.
2. The Director General,
Fishery Survey of Indian,
Mumbai.
3. The Union of India, represented by
the Secretary to the Govt. of India,
Ministry of Agriculture,
Department of Animal Husbandry Dairying,
New Delhi.Respondents

(By Advocate Mr. C. Rajendran, SCGSC)

The application having been heard on 10.6.2002, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Junior Deck Hand, Cochin Base of Fishery Survey of India has filed this application seeking to quash Annexure.A2 order dated 30.5.2002 to the extent that he has been transferred from Cochin Base to Chennai Base. It is alleged in the application that the applicant was elected as the General Secretary of the Central Government Fishing Seamen's Association, that the

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fact of election of the applicant as office bearer has been communicated to the second and third respondents on 13.3.2002, that the above association was a recognised association till Civil Services (Recognition of Service Associations) Rules, 1993 were framed, that the claim of said Association for recognition is still pending as the respondents have not taken a decision in that regard, that OA 413/2001 has been filed by the Association claiming certain rights for its members and that the order of transfer of the applicant from Cochin to Chennai has been taken with malafide intention. With these allegations, the applicant seeks to have the impugned order set aside.

2. Shri C.B.Sreekumar, learned counsel for the respondents states that the impugned order of transfer is not an order transferring the applicant alone, that it is an order transferring eight persons taken in public interest, that the allegations of malafide is not true and that since the Association of which the applicant is said to be the General Secretary is not a recognised Association, the applicant is not entitled to protection against transfer and that the application is devoid of merit.

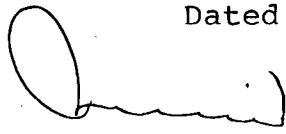
3. On a perusal of the application, the connected materials placed on record and on hearing the learned counsel on either side, we do not find any reason to interfere with the impugned order of transfer. On the applicant's own averment, the association of which applicant claims to be General Secretary is not a recognised Association. Therefore, the applicant is not entitled to protection from transfer. There is no basis

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in the allegation of malafides in this case. The impugned order is not a solitary order of transfer. It is an order of deployment of eight persons to various places in public interest. Transfer is an incident of service and the applicant is not holding a non-transferable post. We do not find any reason for judicial intervention in the matter. Hence, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 10th day of June, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)

APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the letter dated 13.3.2002 to the respondents.
2. A-2 : True copy of the order No.F8-6/95 E.I. dated 30.5.2002 of the 2nd respondent.

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12.6.02