

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.409/98

Friday this the 1st day of May, 1998.

CORAM

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

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

K.V.Karunakaran,  
S/o late Sri P.M.Deva Varma Warriar,  
aged 46 years, Assistant Audit Officer,  
Office of the Directors of Audit,  
Posts and Telegraphs, Trivandrum.

...Applicant

(By advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Director General of Audit,  
P&T, Delhi.54.
2. The Director of Audit,  
P&T, Chennai.
3. Senior Audit Officer inCharge,  
P&T Audit Office,  
Trivandrum.33.

...Respondents

(By advocate Mr. O.V.Radhakrishnan (Special Counsel))

The application having been heard on 1.5.1998, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, an Assistant Audit Officer of the Directorate of Audit (Posts & Telegraphs), Trivandrum is aggrieved by the impugned order dated 6.3.98 (A.7) of the first respondent by which promotions and postings of Audit Officers have been ordered and the challenge is to the extent of the applicant's promotional posting to Calcutta. The

...2



applicant has stated that because of his compelling family background he could not ~~accept~~ a posting outside the State on promotion/<sup>earlier</sup> and that even when the impugned order was received he immediately made a representation to the first respondent requesting that he may be permitted to continue in the present station explaining the circumstances under which he found it difficult to accept the promotional posting. This representation is yet to be considered and disposed of.

In the meanwhile apprehending that he would be relieved immediately on the basis of the impugned order, the applicant has filed this application for setting aside the impugned order A7 and for a declaration that he is entitled to continue in the present place of posting at Trivandrum and to direct the respondents to retain him accordingly.

2. When the application came up for hearing on the first occasion an interim order was granted directing that the applicant may not be relieved on the basis of the impugned order till the next date of hearing and which was later extended until further orders. The respondents have filed a reply statement and have resisted the claim of the applicant.

3. When the application came up for hearing today, learned counsel on either side agreed that the applicant may be permitted to make a comprehensive representation declining promotion and that the first respondent may be directed to take appropriate decision on that in accordance with law and to communicate the same to the applicant and that till such time a decision of the first respondent is communicated, the relief of the applicant pursuant to A7 may be kept in abeyance.

4. In the light of the aforesaid submission of the learned counsel on either side, we dispose of this application with the following directions:

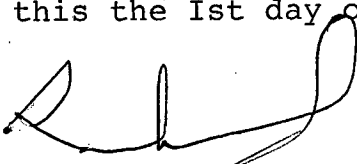
(a) The applicant shall within a period of one week from today make a comprehensive representation indicating his intention to decline the promotion to the first respondent.

(b) The first respondent shall on receipt of such a representation from the applicant consider the same and take an appropriate decision and communicate the same to the applicant with a speaking order within a period of two weeks from the date of receipt thereof.

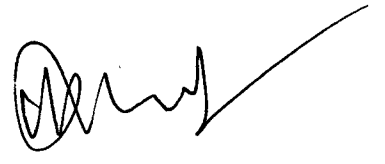
(c) The applicant shall not be relieved from the present place of posting until a decision of the first respondent on the applicant's representation is communicated to him.

(d) There is no order as to costs.

Dated this the 1st day of May, 1998.



S.K. GHOSAL  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURE

Annexure A-7 : Order No. Control/448/16(A) (8) 98-1 dated  
6-3-98 issued by the Deputy Director Office  
of the 1st respondent.

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