

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 414/2000

Friday this the 3rd day of November, 2000

CORAM

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

Bindu George,
aged 27 years, W/o A.P.Roby,
Senior Chargeman II (Mech)
Naval Armament Inspectorate,
At Keltron Equipment Complex,
Karakulam PO, Trivandrum.Applicant

(By Advocate Mrs. Parvathy Menon A)

v.

1. Union of India represented by
the Director General of Naval
Armament Inspection,
Directorate of Naval Armament Inspection
West Block V, Wing No.1(f/f)
Naval Headquarters, New Delhi.
2. The Chief of Naval Staff,
Naval Headquarters, New Delhi.
3. The Flag Officer Commanding in
Chief, Southern Naval Command,
Cochin.682002.
4. Commodore S.M.Sharma,
Director Genral, Naval Armament Inspection,
Directorate of Naval Armament Inspection,
West Block V, Wing No.1(f/f)
Naval Headquarters, New Delhi.
5. Commander D.K. Sharma,
Senior Inspector of Naval Armament,
Naval Armament Inspectorate,
At Keltron Equipment Complex,
Karakulam PO, Trivandrum.695 564....Respondents

(By Advocate Mr. Govindh K Bharathan (R.1to3)

The application having been heard on 3.11.2000, the Tribunal
on the same day delivered the following:

O R D E R

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

The applicant Mrs. Bindu George, Senior Chargeman
II (Mech) while working as at Naval Armament Inspectorate at

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Keltron Equipment Complex, Trivandrum made a representation seeking a transfer to Kochi where her husband is employed in a Public Limited Company in the Private Sector. While the representation was pending she received the impugned order Annexure.A7 dated 21.9.99 by which she was transferred to NAI, Trichy. She had requested cancellation of the order of transfer to Trichy and for a posting at Kochi explaining the need and also stating that the 5th respondent Senior Inspector of Naval Armament under whom she had been working was behaving towards her in an ungentlemanly manner. As the representation was not disposed of, the applicant filed O.A.1112/99 which was disposed of with a direction to the 1st respondent to consider the representation and dispose it of as expeditiously as possible with a speaking order providing that the impugned order to the extent it affected the applicant should be kept in abeyance till the disposal of the representation. In obedience to the above directions contained in the Tribunal's order the impugned order Annexure.A15 dated 11.4.2000 was issued informing the applicant that there was no vacancy at Kochi for the time being and that as she has asked for a posting out she was transferred to Trichy which is the nearest possible station and that her transfer to Kochi would be considered in her turn as there are two other persons who are senior to her in point of request for transfer still to be transferred. Dissatisfied and aggrieved by the impugned order (A.15) the applicant has filed this application seeking to have the Annexure.A7 to the extent it affects her and Annexure.A15 set aside and for a declaration that she is entitled to get

a transfer to Kochi or nearby place and for appropriate direction in that regard.

2. The respondents 1 to 3 have filed a reply statement resisting the claim of the applicant and the applicant's counsel states that a rejoinder is being filed today.

3. However, when the matter came up for final hearing today, learned counsel on either side states that as the 5th respondent has been transferred from Trivandrum there is a change in the situation, that the applicant having given birth to a child very recently she is to continue on maternity leave and that the request of the applicant for retention at Trivandrum till she can be given a posting at Kochi may have to be considered afresh by the respondents taking into account the changed circumstances. I am also convinced that the present situation calls for a fresh look of the matter by the competent authority.

4. Therefore, in the interests of justice the application is disposed of permitting the applicant to make a more detailed representation to the 1st respondent requesting for retention at Trivandrum till she can be accommodated in the place of her choice Kochi within two weeks from today and with a direction to the 1st respondent that if such a representation is received, the same shall be considered considering the fact that the applicant is a woman who had a recent child birth, that her husband is posted in a private company in Kochi, that the 5th

respondent has already been transferred from Trivandrum and other relevant facts and circumstances ^{and} ~~to~~ to pass an appropriate order on the representation as expeditiously as possible. I also direct that till the representation is considered and a reply is given to her, the applicant shall not be relieved from her present posting at Trivandrum. No order as to costs.

Dated the 3rd day of November, 2000



A.V. HARIDASAN
VICE CHAIRMAN

s.

List of annexures referred to:

Annexure.A7:True copy of order No.AI/1341/Mech.dated 21.9.1999 issued by the 2nd respondent.

Annexure.A15:True copy of the order No.AI/1341/dated 11.4.2000 passed b the 4th respondent rejecting the Annexure.A8 representation.

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