

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 07 Dec '87

APPLICATION NO

821 /87 (F)

W.P. No.

APPLICANT

vs

RESPONDENTS

M.L. George

To

Controller General of Accounts
New Delhi and 2 Ors.

1. Shri M.L. George,
Jr. Accts. Officer,
Office of the Pay & Accounts Officer,
Central Excise,
1705, Ramdev Galli,
Belgaum.
2. Controller General of Accounts,
Lokmanya Bhawan,
Khan Market,
New Delhi.
3. Chief Controller of Accounts,
Central Board of Excise
and Customs, AGC Building,
I Floor, New Delhi. 110022
4. Secretary to Govt. of India,
Min. of Finance,
Nehru Block, New Delhi.

5. Sri M. Venkateswar Rao,
Addl. C. G. S.C.,
High Court Building,
Bangalore-1

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~SI/~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said application
on 30 Nov 87.

8/12/87
8/12/87

RECEIVED 8/12/87
Diary No. 1505/CR/87
Date: 12-12-87
Encl: as above.

By Deputy Registrar
DEPUTY REGISTRAR
(JUDICIAL)

8/12/87
8/12/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

Dated the 30th day of November, 1987

Before

HON'BLE SHRI L.H.A. REGO .. Member(A)

APPLICATION NO.821 OF 1987

Shri M.L.George
S/o Sri M.A.Lone,
Junior Accounts Officer,
Office of the Pay & Accounts
Officer, Central Excise,
1705, Ramdev Galli,
Belgaum.

... Applicant

(By-Shri: Applicant in person)

-vs.-

1. Controller General of Accounts,
Government of India,
Loknayak Bhavan,
Khan Market, New Delhi.

2. Chief Controller of Accounts
Central Board of Excise &
Customs, AGCR Bldg. I Floor,
New Delhi.

3. Secretary to Government
of India, Ministry of Finance,
North Block, New Delhi. Respondents.

(Shri M.Vasudev Rao, Standing Counsel for
Central Government, for respondents)

This application coming on for hearing this day,
the Hon'ble Member(A) made the following:

ORDER

LA

O_r_d_e_r

In this application, filed under Sec.19 of the Administrative Tribunals Act,1985, the applicant prays that the respondents be directed to post him in a vacancy in the post of Junior Accounts Officer ('JAO' for short) in the Office of the Executive - Engineer, Central Public Works Department ('CPWD' for short) at Cochin, or in the Central Administrative Tribunal, Cochin ('CAT' for short) or in any other vacancy at Cochin, where he could be accommodated.

2. This application is a sequel to an earlier allied one, bearing No.39 of 1987 filed by the applicant on 15-1-1987 and disposed of on 6-4-1987, by a Division Bench of this Tribunal (on which I sat), with an observation, that the respondents consider the case of the applicant sympathetically, by accommodating him in a suitable vacancy at Cochin as and when it next ~~arises~~

3. The applicant filed a Contempt of Court Application (CCA) bearing No.C.C.A.21 of 1987, on 10-7-1987, alleging that the order of this Tribunal in the aforesaid application was not complied with. This CCA was heard by the same Division Bench on 20-8-1987, which rejected the same, in limine, being

without

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without warrant, subject however to a stipulation, that the petitioner was not prevented from challenging ~~any fresh order~~ in a separate application, before this Tribunal, any fresh order, passed by the respondents, against which he was aggrieved.

4. The relevant background to this case is as follows: The applicant was recruited as an Auditor in the office of the Accountant General, Kerala, and was working as Junior Accountant in the Office of the Pay and Accounts Officer, Department of Agriculture, Union Ministry of Agriculture, Cochin, till May 1983, when he was promoted as JAO and posted to New Delhi. On his request, he was transferred to Belgaum in December, 1983, and has been working there since then. His wife is serving at Cochin as a High School teacher, in the Department of Education of the Government of Kerala, and is said to be residing there along with their children. The applicant states that his wife, who is suffering from asthma, finds it difficult to look after the children in his absence, and therefore prays that it is necessary for him to be with his family at Cochin, to overcome this difficulty. He further states, that in view of this acute difficulty, he had even expressed his willingness to the concerned authority, to undergo reversion, to be able to join his family and be of help to them.

5. The



5. The applicant has filed the present application on 15-9-1987, on the grounds that the respondents had filled up a vacancy in the post of JAO at Cochin, by promoting one Smt. V.K. Radhamani ^{1/2}amma in June 1987, who was junior to him, disregarding the direction of this Tribunal.

6. The applicant is not present to-day to argue his case but has filed his written pleadings on 16-11-1987, with reference to the reply to the application filed by the respondents on 27-10-1987 and has served a copy thereof on the respondents.

7. In answer to the claim of the applicant, the respondents have filed a reply, stating that one of the posts of JAOs, has been shifted from Cochin to Trichur. Taking this into account, the applicant had filed a memo before the Tribunal on 30-10-1987 (when the case was last heard) expressing his willingness to be posted at Trichur in the office of the Executive Engineer, CPWD, II Division, if there was no vacancy of JAO at Cochin. He however reiterated his request to be considered for posting, in the next vacancy at Cochin, since his wife was serving and residing there along with their children.

8. The respondents filed a reply to the above memo of the applicant on 13-11-1987, stating that it was not possible to post the applicant at Trichur at this stage,

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for want of a vacancy, as one Smt.M.Bella had, on promotion as JAO(C), been allocated the post at Trichur, prior to 30-10-1987 i.e., the date when the applicant filed an application for the first time, agreeing to be posted at Trichur. They ~~had~~ however stated in the said reply, that the request of the applicant to post him at Trichur or Cochin, has been taken on record, and would be considered as and when a vacancy arises. The applicant has filed a rejoinder thereto on 20-11-1987.

9. As for the allegation of the applicant, that one Smt.V.K.Radhamani Amma, who was junior to him was posted as JAO at Cochin, in disregard of the directive of this Tribunal, Shri M.Vasudeva Rao, learned Counsel for the respondents, clarified, that she was allocated against a vacancy which had arisen prior to the order dated 6-4-1987 of this Tribunal, in Application No.39 of 1987, but she had declined promotion. In July 1987, he said the headquarters of CPWD IInd Division at Cochin in which Smt.Radhamani Amma was posted, was shifted to Trichur, for administrative reasons.

10. In continuation of the aforesaid memo dated 13-11-1987 filed by the respondents, another memo was filed ⁴⁴⁴ on 19-11-1987 stating that Smt.Bella, had since not accepted the promotion offered to her as JAO(C) at Trichur and consequently this post is lying vacant.

It

It is further stated in this memo, that the request of the applicant for a posting at Trichur, has been considered and accepted and that his orders of transfer have been issued accordingly and it is therefore prayed that the application be dismissed.

11. I have examined carefully the pleadings of both sides and the material placed before me. Shri Rao confirms that the order of transfer of the applicant as JAO in the office of the Executive Engineer, CPWD IInd Division, Trichur, has already been issued. Since this fulfils the alternative prayer of the applicant as indicated in his aforementioned memo dated 30-10-1987, it is not necessary to go into the various contentions urged by the applicant, both in his application as well as in his written pleadings.

12. In view of these facts and circumstances, the application no longer survives. The application is therefore disposed of accordingly, subject to the observation, that the respondents ~~will~~ ^{will} consider the case of the applicant, with due regard to his domestic difficulties, to post him at Cochin in a suitable vacancy (in his organisation) as and when it next arises and also recommend him, if eligible, to an appropriate post said to be lying vacant at present in the C.A.T. No order as to costs.

Sd/-
(L.H.A. REGD) ~~REGD~~
MEMBER(A). 30. xi. 1987

-True Copy-

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BENGALORE