

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00250/2018

Wednesday, this the 4th day of April, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

Sri.T.P.Renil Kumar
 Skilled Support Staff
 Karwar Research Centre of CMFRI
 Karwar – 581 301, Karnataka **Applicant**

(By Advocate – Mr.P.K.Madhusoodhanan)

V e r s u s

1. The Director
 Central Marine Fisheries Research Institute (CMFRI)
 (Indian Council of Agricultural Research)
 Post Box No.1603, Ernakulam North P.O
 Kochi – 682 018
2. Indian Council of Agricultural Research
 represented by its Secretary
 Indian Council of Agricultural Research
 Krishi Bhavan, New Delhi – 110 001 **Respondents**

(By Advocate – Mr.P.Santhosh Kumar)

This Original Application having been heard on 4.4.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Per: **Dr.K.B.Suresh, Judicial Member**

Heard both sides. The matter relates to transfer of an employee who has allegedly physically manhandled a colleague who was a senior. Apparently, the concerned authority had transferred out both the persons pending disciplinary enquiry. Apparently, the applicant has been transferred

to Karwar. He now claims that since he had a heart-attack and a genetical predisposition to heart-attack, he may be granted a compassionate transfer back to Calicut.

2. It cannot be done for the very simple reason that office discipline thus violated will result in diminishment of that particular office. Therefore, applicant cannot be brought back to Calicut on transfer until and unless the disciplinary enquiry has clearly proven that he is not the aggressor.

3. But then, we will now permit him to file a representation indicating his medical conditions and if possible the concerned authority may consider whether to post him to a nearby place.

4. The Original Application is disposed of as above. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(DR.K.B.SURESH)
JUDICIAL MEMBER

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List of Annexures

Annexure A-1 - True copy of the relevant extract of the discharge summary issued by the Department of Cardiology, Medical College, Kozhikode

Annexure A-2 - True copy of the outpatient record of the Kozhikode District Co-operative Hospital Ltd.

Annexure A-3 - True copy of the discharge summary issued from the Baby Memorial Hospital Ltd., Calicut

Annexure A-3(a) - True copy of the coronary angiogram Report issued from the Baby Memorial Hospital Ltd., Calicut

Annexure A-3(b) - True copy of the Coronary Angioplasty report issued from the Baby Memorial Hospital Ltd., Calicut

Annexure A-4 - True copy of the representation dated 4.12.2017 submitted to the first respondent.

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