

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**CONTEMPT PETITION (C) NO.180/00042/2018 IN
O.A. No. 180/227/2017**

Friday, this the 1st day of June, 2018.

CORAM:

**HON'BLE Mr. U. SARATHCHANDRAN, JUDICIAL MEMBER
HON'BLE Mr. E.K. BHARAT BHUSHAN, ADMINISTRATIVE MEMBER**

Jose T. Varghese, 45 years,
S/o. Shri T.J. Varghese,
Deputy Director, Directorate of Census Operations,
CGO Complex, Poonkulam, Vellayani (P.O),
Thiruvananthapuram – 695 522.
Residing at PLRA 101, Panachimoodu Lane,
Pattom, Thiruvananthapuram – 695 004.
(Presently as Joint Director, Directorate of Census
Operations UK LD Tower, 3 Saharanpur Road,
Near Mata Wala Bagh, Dehradun – 248 001. - Petitioner/
Applicant in the O.A.

[By Advocate Mr. Vishnu S. Chempazhanthiyil]

Versus

1. Shri Sailesh,
The Additional Secretary & Registrar General,
India, Office of the Registrar General, India,
2/A Mansingh Road, New Delhi – 110 011.
2. Shri Rajiv Gauba,
The Secretary, Ministry of Home Affairs,
New Delhi – 110 001. - Respondents/
Respondents 1 &2 in O.A

[By Advocate Mr. T.C. Krishna, Senior PCGC]

The Contempt Petition (Civil) having been heard on 01.06.2018,
the Tribunal on the same day delivered the following:

O R D E R :(Oral)

Per: U. Sarathchandran, Judicial Member

Heard Mr. Vishnu S. Chempazhanthiyil, learned counsel for the
petitioner and Mr. T.C. Krishna, learned Central Government Counsel.

2. Today, when this CP was taken up, learned counsel for the
petitioner filed an affidavit sworn by the petitioner producing Annexure
P-3 to P-5. P-4 is a copy of the minutes of the meeting of the Placement

Committee held on 19.04.2018. On perusal of Annexure P-4, it is seen that the case of the petitioner as directed this Tribunal in Annexure P-1 order has been considered by the Placement Committee, wherein the following decisions have been arrived at.

“4. (ii) After going through the representations and service records of the officers concerned, requirement & tenure of JDCO at particular place and in light of Hon'ble CAT, Ernakulam Bench order dated 07.03.2018 passed in O.A No. 180/00227/2017, the committee unanimously has recommended the name of Sh. P.P Joy, DDCO for transfer & posting at DCO-Kerala on his promotion to the post of JDCO against only 01 (one) sanctioned post of JDCO in DCO-Kerala on the following grounds:

- (a) As per Transfer/Posting Policy of ORGI, transfer of an officer is to be considered after 03 years of posting at new station.
- (b) He has stayed longest time (04 years at one station i.e. DCO-West Bengal in comparison to the other officers concerned whose request have been considered by the Committee.
- (c) He is going to be retired from the Govt. services in February, 2019.
- (d) On promotion to the post of JDCO, he is required to be transferred from DCO-West Bengal due to non-availability of post of JDCO in DCO-West Bengal.”

3. On going through the aforesaid decision, we are of the view that there is no non-compliance of the order although the same had not been palatable to the petitioner. We find no willful disobedience on the part of the respondents.

4. Hence, the Contempt Petition is closed. Notices stand discharged. No order as to costs.

(Dated, this the 1st June, 2018.)

**(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

**(U. SARATHCHANDRAN)
JUDICIAL MEMBER**

Annexures of the Petitioners

Annexure P-1 : True copy of the order dated 7.3.2018 in O.A No. 180/227/2017 of this Hon'ble Tribunal.

Annexure P-2 : True copy of the office order No. A. 32012/04/2017-Ad.III/343 dated 20.04.2018 issued by the respondents.

Annexure P-3 : True copy of the communication No. F. No. A-28011/2/2017-AD-III/349 dated 20.4.2018 issued by the 1st respondent.

Annexure P-4 : True copy of minutes of the Placement Committee on 18.5.2018.

Annexure P-5 : True copy of O.M. No. F. No. 28034/9/2009-Estt (A) dated 30.09.2009 issued by the Department of Personnel and Training, Government of India.

Annexures of the respondents

NIL
