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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00678/2018

Wednesday, this the 20th day of February, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN,	...ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA,	...JUDICIAL MEMBER

C.Haridas,
MES.313386,
Ferro Printer,
O/o The Garrison Engineer (Army),
Thirumala Post,
Trivandrum-695 006.

....Applicant

(By Advocate Mr.P.K.Madhusoodanan)

V e r s u s

1. The Chief Engineer,
Head Quarters,
Southern Command,
Pune – 411 001.
2. The Commander Works Engineers (AF),
Head Quarters Southern Air Command Complex,
Thuruvickal Post, Akkulam,
Trivandrum – 695 011.
3. The Garrison Engineer (Army),
Military Engineers Service,
Thirumala P.O.,
Trivandrum – 695 006.

....Respondents

(By Advocate Mr. K.C.Muraleedharan, ACGSC)

This application having been heard on 7th February, 2019, the Tribunal
on 20th February, 2019 delivered the following :

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ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No. 180/678/2018 is filed by Shri C. Haridas, Ferro Printer attached to the office of Garrison Engineer, Army, Thirumala, Trivandrum, aggrieved by his transfer from the office of the 3rd respondent to the office of the 2nd respondent (Annexure A3). The applicant had been transferred from under respondent No.1 to the office of the 3rd respondent at his request and had joined duty as Duftry on 4.4.2011. He submits in the OA that since his joining duty at Trivandrum, he has been continuously under treatment for various diseases including a coronary condition at Sree Chitra Tirunal Institute of Medical Sciences and Technology, Trivandrum. He got a promotion as Ferro Printer w.e.f. 1.4.2011 and since he claimed that he was unable to attend to the work of Ferro Printer, submitting that his constant contact with ammonia and fumes are not helpful for his coronary condition, the 3rd respondent was pleased to accommodate him in Dispatch Section of the office. He lives within MES quarters which is at a distance of 50 mtrs. from his place of work.

2. He submits that he had been shocked and dismayed by the order impugned, issued as a Local Turnover posting dated 3.7.2018 by which he stands posted to the office of the 2nd respondent which is situated in a high terrain in a "hill area". He submitted a representation, copy of which is available at Annexure A4 requesting reconsideration of the same. The 3rd

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respondent had also recommended the case through a communication dated 12.7.2018 (Annexure A5). The applicant is aggrieved that the 2nd respondent rejected the same request arbitrarily by order at Annexure A6.

3. The respondents have filed a reply statement wherein another picture of the transfer has been detailed. The respondents points out that the distance between his existing post and the post he is transferred to, is less than 13 kms. The institute where he is undergoing treatment would be closer to his transferred station rather than his earlier one. He is a part of an All India cadre and is expected to serve in any part of the country. The vacancy of a Ferro Printer exists only in the present station at Akkulam where he has been transferred to and there is no such post available under the 2nd respondent. He has been allowed as a special favour to continue to attend to other work rather than his own that of a Ferro Printer supposedly to take care of his health. This is a waste of resources as he is drawing the higher benefits of a Ferro Printer without attending to the work.

4. The post he is transferred to at Akkulam is a part of a large campus where many Central Government and State Government offices are situated including the headquarters of the Southern Air Command. Employees from all over the Country are working therein. It is not a hilly terrain in the sense that it is an unapproachable place. His existing station at Thirumala where he is working at present and Akkulam where he is transferred to, are part of

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Trivandrum City Corporation. Thus, it could be seen that the applicant is unnecessarily agitating an issue where none exists. He had already completed 7 years of tenure in his present station and it is in the fitness of things and in the interest of efficiency that he is transferred as ordered in the impugned transfer order.

5. We have heard Shri P.K. Madhusoodhanan on behalf of the applicant and Shri K.C. Muraleedharan, learned ACGSC for the respondents. Perused the records.

6. While this Tribunal does find it necessary to interfere in transfer orders if there is clear evidence of mala fide or violation of transfer policy we are very clear that our forum should not be misused for agitating an issue where there is no genuine grievance. The applicant has an All India transferable job and has spent seven years in Thirumala which is one part of the Trivandrum city. He is now agitated over his transfer to Akkulam which is another part of same city, the distance between the two places being less than 13 kms. This reveals the frivolous nature of the claim put in by the applicant. He cites various instances of his parents being old and his continued coronary care to avoid the transfer. None of these appear to impress us as Sree Chitra Institute is admittedly closer to the transferred station than Thirumala. It is a pity that the respondent No. 3 under whom he has been working in a post of Peon in charge of dispatch department rather than as a Ferro Printer has chosen to

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recommend a case such as this. He ought to understand that he is responsible for optimal use of man power under his charge.

7. The OA totally lacks any merit and is dismissed. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00678/2018

1.Annexure A1 – True copy of the discharge summary issued on 03/07/2010 from WOCKHARDT Hospitals.

2.Annexure A2 – True copy of the certificate dated 28.09.2010 issued by the doctors of Wockhardt Hospital, Bengaluru.

3.Annexure A3 – True copy of the letter No.10029/LTO/77E1B dated 03/07/2018 of the 2nd respondent.

4.Annexure A4 – True copy of the representation dated 11.07.2018 submitted by the applicant through proper channel.

5.Annexure A5 – True copy of the letter dated 12.07.2018 by the third respondent.

6.Annexure A6 – True copy of the letter No.10029/LTO/85/E1B dated 14.07.2018 of the 2nd respondent.

7.Annexure A7 - True copy of the treatment certificate dated 20.07.2018 issued by the Senior Medical Records Officer, Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum to the applicant.

8.Annexure A8 - True copy of the Medical certificate dated 25.07.2018 issued by the Dr.Harikrishnan S., Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum, to the applicant.

9.Annexure A9 - True copy of the order No.65 dated 20.06.2018 of the 2nd respondent.

10.Annexure A10- True copy of the letter No.132402/LTO/2477/E1B(s)/A1 dated 20/07/2018 issued for the 1st respondent.
