

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00423/2019

Dated Wednesday the 27th day of March Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

K.Pandithurai,
S/o. Late Shri. M. Krishnan,
21, Netaji Nagar,
Saravanampatti,
Coimbatore 641035.

....Applicant

By Advocate M/s. Ayyar & Iyer

Vs

1.Union of India rep by,
The Commander Works Engineers,
Military Engineer Services,
Wellington 643231.
The Nilgiris.

2.The Assistant Garrison Engineer (I) AF,
AFAC Complex,
Red Fields Post,
Coimbatore 641018.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To call for the records pursuant to the impugned order of rejecting his representation dated 20.11.2018 of the 1st respondent proceedings No. 1007182/E1B dated 08 Jan 2019, and other proceedings No. 10071/87/E1B dated 19 Feb 2019 and No. 10071/97/E1B dated 22 Mar 2019 arising out of LTO posting/transfer order No. 10071/64/E1B dated 17.11.2018 and No. 10071/67/E1B dated 04.12.2018 issued by the 1st respondent subjecting the applicant to LTO posting from 2nd respondent's office to GE (AF) Suler and quash the impugned posting/transfer orders contravenes the policy decision of E-in-C Branch on employees left with 1 year and 6 months service for retirement and the applicant may be permitted to work under 2nd respondent's office itself till his retirement on 30 April 2019 by superannuation and pass any such further orders or directions as deem fit in the facts and circumstances of this case and thus render justice."

2. The applicant is aggrieved by Annexure A5 order dt. 04.12.2018 by which he has been transferred from Coimbatore to Suler. He made a representation against the transfer order which was rejected by a communication dt. 08.01.2019. However, applicant made a further representation on 17.01.2019 alleging that he had less than one year and six months for his retirement and, therefore, was entitled to be retained in his present station. The representation was forwarded to the competent authority by Annexure A8 letter dt. 30.01.2019. However, by Annexure A10 communication dt. 22.03.2019, the authority who forwarded his representation has been directed to relieve the individuals concerned including the applicant by 28.03.2019. It was also directed that any representation if forwarded to the competent authority may be treated as null and void and 'no further representation was acceptable whatever the reasons may be'.

3. Learned counsel for the applicant would submit that the applicant had invoked the transfer policy and his representation could not be rejected by a non-speaking order. Accordingly, he seeks a suitable interference by the Tribunal.

4. Learned counsel for the applicant also submits that the date of superannuation of 30 April 2019 mentioned in the relief may be read as 30 April 2020 as it was a typographical error.

5. Mr. Su. Srinivasan, SCGSC takes notice for the respondents.

6. On perusal, it is seen that Annexure A6 communication dt. 08.01.2019, merely stated that the representation of the applicant was examined by the competent authority and it was not agreed to. Since, it is not a speaking order, we are inclined to direct the competent authority to consider Annexure A7 representation of the applicant dt. 17.01.2019 in accordance with the transfer policy of the department and pass a reasoned and speaking order within a period of one week from the date of receipt of a copy of this order. Status quo may be maintained till then.

7. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

27.03.2019

SKSI