Central Administrative Tribunal
Madras Bench

OA 310/01663/2018

Dated Wednesday the 19th day of December Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)

K.K. Asokan
Sr. Superintendent
Passport Office
Coimbatore. .. Applicant

By Advocate **M/s. Ratio Legis**

Vs.

1. Union of India rep. by
   The Joint Secretary (PSP)
   And Chief Passport Officer
   Ministry of External Affairs
   Patiala Houce Annexe
   Tilag Marg, New Delhi.

2. The Dy Passport Officer (PVA&Cadre)
   Ministry of External Affairs
   Patiala Houce Annexe
   Tilag Marg, New Delhi. .. Respondents

By Advocate **Mr. Su. Srinivasan**

ORAL ORDER

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

> "To call for the records related to the transfer order No. CDR.II/584/05/2018 dated 25.10.2018 passed by the 2nd respondent and to direct the respondents to consider for transfer of the applicant also in the subsequent list to Kozhikode and to pass such other order/orders"

2. It is submitted that the applicant was transferred to Passport Office, Kozhikode by an order dated 6.7.2017 which he was inclined to comply with. However, by a subsequent order dated 31.07.2017 the said order was stayed and all those who had been relieved were also asked to report back at the stations from where they were transferred, even if they had assumed charge in their next station. This was on account of the pending review of the policy and it was stated that the outcome of the same would be conveyed in due course. Thereafter Annexure A4 policy guidelines were issued for transfer on 01.06.2018 which fixed a tenure of 36 months from the date of joining of passport office.

3. The applicant had already completed 48 months in his present place of posting and accordingly he was entitled to a transfer. However, the name of the applicant did not figure in the impugned order dated 25.10.2018. The applicant made a representation in this regard by Annexure A9 letter dated 29.10.2018 which is still pending.

4. It is further submitted that two vacancies are available in Kozhikode and there is no reason why the applicant should not have been considered for transfer to that place, more so when there is no other claimant for the vacancy. Accordingly, the applicant would be satisfied if the competent authority is directed to consider his Annexure A9 representation dated 29.10.2018 in accordance with the transfer policy and pass appropriate orders.

5. Mr. Su. Srinivasan takes notice for the respondents and submits that the respondents would take a decision on the applicant's Annexure A9 representation shortly.

6. Keeping in view the submission made and without going into the substantive merits of the case, we are inclined to dispose of this OA with a direction to the respondents to consider the representation of the applicant dated 29.10.2018 in accordance with law and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

7. OA is disposed of accordingly.

(P. Madhavan)
Member (J)

19.12.2018

(R. Ramanujam)
Member (A)

AS