

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00998/2018

Dated Friday the 27th day of July Two Thousand Eighteen

PRESENT

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

Mr. Hareendran,
Sree Lakshmi, Palloor Post,
Mahe 673310.Applicant

By Advocate M/s. S. Santhanakrishnan

Vs

- 1.The Union of India rep by,
Chief Secretary to the Government,
Govt. of Puducherry, Puducherry.
- 2.The Under Secretary,
Labour Department, Puducherry,
- 3.The Additional Secretary to Government,
Labour Department, Puducherry.
- 4.The Labour Officer,
Pondicherry Building and other Construction
Workers Welfare Board,
Thattanchavady, Puducherry.
- 5.The Regional Administrator,
Labour Department, Mahe.Respondents

By Advocate Ms. S. Devie for Mr. R. Syed Mustafa

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 following relief :

"To call for the records relating to the transfer order dt. 03.04.2017 in memorandum of 2762/LAB/SW/A4/2016(PF) of the 3rd respondent and the relieving office order in No. A. 15012/1/PBCWWB/2017-18 dt. 09.03.2018 of the 4th respondent and to quash the same and to pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice. "

2. It is submitted that the applicant who belonged to the Labour Department of the Government of Puducherry was transferred and posted on deputation basis to Puducherry Building and Other Construction Workers Welfare Board, Mahe by Annexure A2 order dated 29.06.2016. However, within one year he was transferred to Karaikal under the same organisation by Annexure A4 order dated 03.04.2017. By Annexure A5 order dt. 03.10.2017, his deputation period was extended for one year w.e.f. 11.07.2017 and accordingly, he was entitled to continue upto 10.07.2018. However, by Annexure A6 office order, the applicant was relieved of his duties from 09.03.2018 (AN) when only four months' time was left for the deputation to end, with instructions to report for duty before the

Labour Officer, Puducherry Building and Other Construction Workers Welfare Board, Karaikal.

3. It is further submitted that the applicant made Annexure A7 representation dt. 03.07.2018 in this regard which has not been responded to. Accordingly, the applicant would be satisfied if he is granted liberty to make a detailed representation regarding his family circumstances and seek continuation at Mahe and the respondents directed to consider it in accordance with their transfer/deputation policy and the relevant rules. It is also prayed that status quo be directed to be maintained in the meantime. According to the counsel for the applicant, the applicant has been on medical leave since 09.03.2018.

4. Ms. S. Devie appears and takes notice for the respondents on behalf of Mr. R. Syed Mustafa.

5. Keeping in view the limited relief sought and without going into the substantive merits of the case, the applicant is permitted to make a detailed representation to the competent authority within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the competent authority shall consider it in accordance with their transfer/deputation policy and the relevant rules and pass appropriate orders within a period of two months thereafter.

6. We do not propose to pass any interim orders to maintain status quo as it appears that the applicant had been relieved of his duties on 09.03.2018 and is on medical leave. Any order of status quo would only amount to a direction that the applicant should continue on medical leave which is untenable.

7. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

27.07.2018

SKSI