

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00066/2019

Thursday, this the 14th day of November, 2019

C O R A M :

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

Harikumar.V, aged 49 years
S/o.Velutha Kunju
Assistant Accounts Officer
Area Accounts Office (Navy)
Perumanoor , Kochi – 682 015
Residing at:-HAMSADWANI
S.L.Puram P.O, Kanjikuzhi
Cherthala, Alappuzha District
Pin – 688 523

...Applicant

(By Advocate – Mr.T.C.G Swamy)

v e r s u s

1. Union of India represented by the Secretary
to the Government of India
Ministry of Defence (Navy)
New Delhi – 110 011
2. The Controller General of Defence Accounts
Ulan Batar Road, Palam, Delhi Cantt.
Pin – 110 010
3. The Principal Controller of Defence Accounts (Navy)
No.1, Cooperage Road, Colaba, Mumbai – 400 001
4. The Officer-in-Charge
Area Accounts Office (Navy)
Perumanoor, Kochi – 682 015

...Respondents

(By Advocates - Mr. N.Anilkumar,SCGSC)

This application having been heard on 14th November 2019, the Tribunal on the same delivered the following :

ORDER (ORAL)

Per : Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The grievance of the applicant is that he has been transferred out of the present station which he joined as recently as 2015. He submits that his transfer is in violation of the Transfer Policy guidelines, copies of which are produced at Annexures A-6 and A-7. He submits that it is mandatory that the Defence Accounts Placement Board which had been constituted in due compliance with the Hon'ble Supreme Court judgment in Writ Petition(Civil) No.82/2011 must consider and recommend all transfers. In fact Clause 1.6 of the Policy reads:

“All transfers shall be recommended by the Defence Accounts Placement Board and approved by the Competent Authority as notified vide CGDA's letter No.AN-1/1201/SC/82/2011 dated 31.12.2013 as amended from time to time.”

2. The applicant maintains that he is not the individual with longest tenure at the present station and there are several others who have been continuing far in excess of 3 years normal tenure. Further, he submits that his representation, copy of which is at Annexure A-3, had been disposed of summarily by Annexure A-2 order without considering any of the contentions raised in the representaiton.

3. Shri.N.Anilkumar,SCGSC, learned counsel for the respondents stated

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that the Transfer Policy is only a guideline and cannot be followed in all cases. There has to be due deference for administrative necessity. The persons referred to as being retained in the present station are all holding sensitive posts and the applicant cannot claim equivalence with them.

4. This Tribunal is of the view that the Original Application can be disposed of at this stage by directing the applicant to file a comprehensive representation before respondent no.3. This shall be done within two weeks from today. Respondent no.3 shall duly consider the contentions raised in the said representation to be filed by the applicant and take a considered view in accordance with the rules. The disposal of the said representation, which will be in the form of a speaking forder, will be done as expeditiously as possible and in any case within two weeks from the date of receipt of the representation filed by the applicant. Until the representation is disposed of, the applicant shall not be disturbed from the present station.

5. The Original Application is disposed of as above. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure A1 - True copy of the Order bearing No.AN/I/39 dated 7.1.2019, issued from the office of the 3rd respondent
2. Annexure A2 - True copy of letter bearing No.AN/I/39 dated 25.1.2019 issued from the office of the 3rd respondent
3. Annexure A3 - True copy of representation addressed to the 3rd respondent, along with its enclosures addressed to the 3rd respondent
4. Annexure A4 - True copy of the Treatment Certificate dated 17.1.2019 issued by the TD Medical College Hospital, Alappuzha in proof of the continued treatment of the applicant's widowed mother
5. Annexure A5 - True copy of the Death Certificate dated 10.5.2018 indicating the untimely death of the applicant's brother-in-law
6. Annexure A6 - True copy of Transfer Policy communicated by the 2nd respondent under No.0600/AN-X/Vol.XXI dated 28.3.2014
7. Annexure A7 - A true copy of the notification bearing No.AN-I/1201/SC/82/2011 dated 31.12.2013 constituting the placement committee for recommending transfers.
8. Annexure R1 - True copy of the letter No.0600/AN-X/Vol.XXI dated 28.3.2014
9. Annexure A8 - True copy of Order No.AN/I/S/45/Vol.VII dated 4.10.2018 issued by the third respondent
10. Annexure A9 series- True copies of orders of posting no.Admin No.072 dated 16.2.2015, Admn.No.145 dated 6.1.2014, Admn.No.16 dated 16.6.2014 and Admn.No.23 dated 30.6.2014 – all issued by Senior Accounts Officer/AN/Kochi
11. Annexure A10 - True copy of Notification No.AN-I/1201/SC/82/2011 dated 31.12.2013 issued by the second respondent.
