

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00305/2019

Tuesday, this the 10th day of December, 2019

C O R A M :

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

R.Vijayan, aged 52 years
S/o.Raghavan, Lighthouse Attendant
Manakkodam Lighthouse
Near Cherthala, Alleppey District
Residing at : LH Department Quarters
Manakkodam Lighthouse
Andakaranazhi P.O, Alappuzha District
Pin -688 531 (under orders of relief) ...Applicant

(By Advocate – Mr.T.C.G Swamy)

v e r s u s

1. Deleted as per order dated 25.11.2019
2. The Director
Directorate of Light houses and Lightships
Ministry of Shipping, Deep Bhavan
Gandhi Nagar, Kochi – 682 020
3. Sri.Rajesh
Lighthouse Attendant
Kavaratti Lighthouse
Kavaratti, Union Territory of Lakshadweep
Pin : 682 555
4. The Head Light Keeper (SS)
Manakkodam Lighthouse
Near cherthala, Alleppey District ...Respondents

(By Advocate- Mr.S.R.K.Prathap,ACGSC for R 1,2 &4)

This application having been heard on 10th December 2019, the Tribunal on the same day delivered the following :

O R D E R (ORAL)

Per : Mr.E.K.Bharat Bhushan, Administrative Member

Heard both sides. This is the second round of litigation. On the first occasion, the request made by the applicant for a posting either to Kollam or Trivandrum, had been disposed of by this Tribunal as per the Order of this Tribunal dated 8.4.2019, directing respondent no.2 to consider the representation, a copy of which is at Annexure A-3, on merits.

2. The grievance of the applicant is that without considering the said representation, respondent no.2 has hastily issued orders, copies of which are at Annexure A-6 and Annexure A-7, both dated 26.4.2019. Thereupon, this Tribunal intervened and issued a "status quo" order.

3. After hearing both sides, we see that the applicant has attempted to justify a posting to Kollam or Trivandrum mentioning certain mitigating circumstances such as the ill-health suffered by his mother and wife. This has been detailed in the representation that he has filed on 25.4.2019, copy of which is at Annexure A-5. Respondent no.2 appears to have dealt with the request in a peremptory manner stating that it cannot be acceded to at present due to "administrative/operational reasons". As made clear in our earlier order, we expect respondent no.2 to deal with the issue in depth by analysing the personal difficulties pointed out by the applicant as well as any operational difficulties which the respondents might have. The

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representation should be dealt with properly evaluating the different factors. We do not propose to state whether the individual should be posted at one station or other and respondent no.2 will be free to consider the applicant's request as per the mandate entrusted to him. The Original Application stands disposed of. No costs. The interim order to continue till the order referred to is issued.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures

Annexure A-1 - True copy of Office Order bearing No.1-3/83/78-Admin dated 26.3.2019, issued from the office of the 2nd respondent

Annexure A-2 - True copy of representation dated 11.5.2017 addressed to the 2nd respondent

Annexure A-3 - True copy of representation dated 27.3.2019 addressed to the 2nd respondent

Annexure A-4 - True copy of order dated 8th April, 2019 in O.A No.180/259/2019 rendered by this Tribunal

Annexure A-5 - True copy of representation dated 25.4.2019 submitted to the second respondent

Annexure A-6 - True copy of Office letter bearing No.1-3/83/78-Estt-33 dated 26.4.2019, issued from the office of the 2nd respondent.

Annexure A-7 - True copy of order bearing No.MLH/ESTT/2019 dated 26.4.2019, issued by the 4th respondent

Annexure R1 - True copy of the representation dated 16.2.2017 submitted by the applicant to the Director

Annexure R2(a) - True copy of the Earned Leave application for the period 16/8/2016 to 16/9/2016 submitted by the applicant

Annexure R2(b) - True copy of the Earned Leave application for the period 22/8/2016 to 17/9/2016 submitted by the applicant

Annexure R2(c) - True copy of the Earned Leave application for the period 1/8/2017 to 30/8/2017 submitted by the applicant

Annexure R2(d) - True copy of the Earned Leave application for the period 25/10/2017 to 06/11/2017 submitted by the applicant

Annexure R2(e) - True copy of the Earned Leave application for the period 8/11/2017 to 22/11/2017 submitted by the applicant

Annexure R2(f) - True copy of the Commuted leave application for the period 29/1/2018 to 4/2/2018 submitted by the applicant

Annexure R2(g) - True copy of the Earned Leave application for the period 28/2/2018 to 14/3/2018 submitted by the applicant

Annexure R2(h) - True copy of the Earned leave application for the

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period 28/2/2018 to 28/3/2018 submitted by the applicant

Annexure R2(i) - True copy of the Earned leave application for the period 25/4/2018 to 4/5/2018 submitted by the applicant

Annexure R2(j) - True copy of the commuted leave application for the period 27/4/2019 to 11/5/2019 submitted by the applicant

Annexure R2(k) - True copy of the earned leave form from 3.7.2017 to 16.7.2017

Annexure R3 - True copy of the letter No.MLH/Estt/2019 dated 23/5/2019 issued by the Head Light Keeper showing the details of stay of the applicant

Annexure R4 - True copy of the relieving order No.MLH/ESTT/2019 dated 26/4/2019 issued by the 4th respondent

Annexure A-8 series True copy of true copies of the medical records indicating the treatment of the applicant's widowed mother, wife and son

Annexure R5 - True copy of the fitness certificate dated 12/5/2019 issued by the applicant by Dr.Arun Raj, Causality Medical Officer, Fathima Hospital

Annexure R6 - True copy of the letter No.VII/29/CHN/C/2005 dated 17/5/2019 issued by the 2nd respondent

Annexure R7 - True copy of the letter dated 25/5/2019 issued by the Medical Practitioner to the 2nd respondent

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