

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.424/04

Dated Tuesday this the 15th day of June, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

K.P.Kunhikoya
S/o Sayed Koya
Draftsman Grade II, LPWD Circle Office
Kavaratti
Residing at Kavaratti.

Applicant

(By advocate Mr.P.V.Mohanan)

Versus

1. The Administrator
Union Territory of Lakshadweep
Kavaratti.
2. The Superintending Engineer
Lakshadweep Public Works Department
Kavaratti.
3. K.P.Ahamed
Draftsman Grade II
Lakshadweep Public Works Department
Amini Island
Union Territory of Lakshadweep.

Respondents.


(By advocate Mr.S.Radhakrishnan)

The application having been heard on 15th June, 2004 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant, a Draftsman Grade II in Lakshadweep Public Works Department, Circle Office, Kavaratti, under orders of transfer to Amini by Annexure A-1 order dated 27.5.04, has filed this application challenging the order to the extent it transfers him from Kavaratti to Amini. It is alleged in the application that he was posted at Kavaratti in July, 2003, that his son is studying in IXth standard in English medium at Senior Secondary School, Kavaratti, that the said facility is not available in



Amini Island and that the untimely transfer of the applicant would jeopardize his son's education. The applicant has also impleaded the 3rd respondent who has been transferred to Kavaratti by A-1 order.

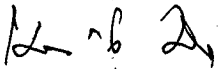
2. When the application came up for hearing on 9.6.04, the Tribunal ordered that if the applicant had not been relieved as on that date, his relief should be deferred. On the basis of the interim order, the applicant has not been relieved from Kavaratti as yet.

3. When the application came up today, Mr.S.Radhakrishnan, advocate, took notice on behalf of the respondents. The learned counsel on either side agreed that it would be appropriate if the application is disposed of permitting the applicant to make a representation to the first respondent and directing the first respondent to consider and dispose of the representation, keeping the relief of the applicant pursuant to the interim order in abeyance till a reply is served on him.

4. In the light of the submissions made by the counsel on either side, we dispose of this application permitting the applicant to make a representation to the first respondent for retention in Kavaratti and directing the first respondent to consider the representation and to give the applicant an

appropriate reply. We also direct that till a reply on the said representation is served on the applicant, the applicant shall not be relieved from his present place of posting on the basis of the impugned order. The applicant shall make the representation within 10 days.

Dated 15th June, 2004.



H.P.DAS
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN