

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE OF DECISION: 6-12-1989

PRESENT

HON'BLE SHRI S.P.MUKERJI, VICE CHAIRMAN
&
HON'BLE SHRI A.V.HARIDASAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO:2436/89

M.Attakoya - Applicant

v.

1. The Headmaster,
Govt. High School,
Amini, Lakshadweep.
2. The Administrator,
U.T. of Lakshadweep,
Kavaratti.
3. The Director of Education,
U.T. of Lakshadweep,
Kavaratti.
4. Shri M.C.Hamsa,
Primary School Teacher,
Senior Basic School,
Minicoy.
5. Union of India, represented
by Secretary to Govt. of India,
Ministry of Home Affairs,
New Delhi.

- Respondents

Mr MR Rajendran Nair - Counsel of the
applicant

Mr PV Madhavan Nambiar, SCGSC - Counsel of the
respondents

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(SHRI S.P.MUKERJI, VICE CHAIRMAN)

We have heard the learned counsel for both the
parties and gone through the documents carefully. The
short point in this application filed by a Primary
School Teacher in the Union Territory of Lakshadweep

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is that having worked in the Primary School at Amini for about three years, he wants a transfer to his native island at Kadamat. The ^{acceptance of the} ~~prayer~~ is facilitated by the fact that a Primary School Teacher Shri A.C.Khalid working at Kadamat has also requested for a transfer to Amini and both of them can be accommodated simultaneously by mutual transfer. Unfortunately, this simple case has passed through different stages of litigation for no good purpose. The applicant had filed an application before this Tribunal, numbered as OA-313/89, which was disposed of by the Hon'ble Single Member Bench, Shri N.V.Krishnan vide his order dated 8.6.1989(Annexure-VIII), on the basis of an averment made by the learned counsel for the respondents. In ^{his} ~~the~~ statement, the learned counsel averred that the applicant had filed a representation dated 30.3.1989, which was under consideration. A representation was also made by Shri Khalid requesting a transfer from Kadamat to Amini. That application was disposed of with a direction that the representation of the applicant before us dated 30.3.1989 and that of Shri Khalid dated 4.5.1989 should be disposed of, keeping in view the possibility of mutual transfer and the guidelines issued by the Ministry of Home Affairs. From the papers before us, it has now ^{been} ~~revealed~~ that the statement made by the learned counsel before the Hon'ble

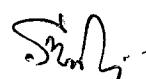
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Shri NV Krishnan was not factually correct. It has been revealed from the Annexure-1C that the Director of Education, Lakshadweep Administration had already rejected the applicant's various representations made in March, April and May 1989 vide his order dated 24.5.1989. Accordingly, on 8.6.1989 when the Single Member Bench passed the order, there was no representation pending before the Lakshadweep Administration. In this case also we, on 27.10.1989 indicated that the applicant will be at liberty to file a representation for mutual transfer to vice Shri Khalid Kadamat. The learned counsel for the applicant states that he has filed such a representation for mutual transfer between him and Shri Khalid.

2. Keeping the unfortunate history of the case before us and to save this Primary School Teacher from further litigation and suspense, we dispose of this application to respondent Ramd5, with the direction that unless there are overwhelming administrative reasons to the contrary, the representation for mutual transfer between the applicant and Shri A.C.Khalid should be accepted and the mutual transfer effected within a period of one month from the date of communication of this order. The impugned orders dated 21.6.1989, Annexure-I, Annexure-I(A), I(B), I(C) and I(D) are set aside. There will be no order as to costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER

6-12-1989


(S.P.MUKERJI)
VICE CHAIRMAN