

30.7.1987

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

Application No. OA 440/1986

P.S. Mony : Applicant

Versus

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|------------------------------------------------------------------------------------------------------|---|-------------|
| 1. Administrator, Union Territory of Lakshadweep, Kavaratti. | X | |
| | X | |
| 2. Union of India represented by its Secretary, Ministry of Education and Social Welfare, New Delhi. | X | Respondents |
| | X | |
| 3. Director of Education, Union Territory of Lakshadweep, Kavaratti. | X | |
| | X | |

M/s V.P. Raghuraj and K.S. Babu : Counsel for applicant

Shri P.V. Madhavan Nambiar, SCGSC : Counsel for respondents

CORAM:

Hon'ble Shri G. Sreedharan Nair, Member(Judicial)

ORDER

The applicant a graduate Assistant attached to the Government High School, Kavaratti has filed this application challenging his transfer to the Government High School, Minicoy. It is alleged by him that while he was working as a Youth Coordinator on deputation, when he was on duty in connection with the visit of the then Prime Minister, he met with an accident as a result of which he sustained serious head injuries and fractures, and that he was treated at the City Hospital at Cochin by Neurologists and

Physicians. According to him he is under continued treatment and he requires constant attention under the supervision of a physician or a specialist in neurology. It is stated that there is no facility for such treatment at Minicoy.

2. In the counter affidavit filed by the first respondent it is contended that in view of his long service at Kavaratti the applicant had to be transferred but since he represented to be retained at Kavaratti on medical ground his case was referred to the Medical Board. The Board was of opinion that the applicant can take the medicines under the supervision of a medical officer in any island. Since there are Medical Officers in all the islands, it is contended that the applicant cannot insist that he should be retained at Kavaratti.

3. No doubt, ~~that~~ the applicant had been working at Kavaratti for a number of years and as such can be transferred out, on administrative grounds. But when a request is made for continuance at Kavaratti on medical grounds, a decision has to be arrived at after an anxious consideration of the question. The applicant has alleged that while he was on deputation as Youth Coordinator, in the course of duty in connection with the visit of the then Prime Minister to the Island, he sustained serious injuries as a

result of which he had to under^{go} surgical major/operation involving the cutting and removing of the frontal bone, followed ~~up~~ by treatment under specialists at Cochin. This is not disputed by the respondents. According to the respondents the case of the applicant was referred to a Medical Board which has recommended that the applicant can take the medicines under the supervision of any Medical Officer in the Islands, and hence the applicant cannot insist that he shall not be disturbed from Kavaratti. The applicant has attacked the recommendation of the Board. It is contended that there was no Neurologist at all in the Board. He has also produced the Medical Certificate issued by the Medical Officer in-charge, Government Hospital, Kavaratti which shows that the applicant is suffering from neurological problems and that he is to get specialist's treatment every month. He has also produced copy of a letter from the Senior Medical Officer which reveals the details of medical facilities available in the Islands. According to it there is not even a Physician available at Minicoy. As it is established from the records that the applicant has to continue his treatment under the supervision of a Physician and is to have periodic checkup in view of

his serious neurological problems I am of the view that the respondents should have accepted his representation and allowed him to continue at Kavaratti.

4. The application is allowed. The order transferring the applicant from the Government High School, Kavaratti to the Government High School, Minicoy is hereby vacated.


(G. Sreedharan Nair)
Member (Judicial)

Index : ~~YES~~ / NO