

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 448 of 2005

Tuesday, this the 14<sup>th</sup> day of June, 2005

CORAM

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

1. K.P. Syedali,  
Staff Car Driver, Protocol,  
Kavaratti,  
Residing at Keelaputhiya Pura House,  
Kavaratti Island,  
Union Territory of Lakshadweep. .... Applicant

[By Advocate M/s George Varghese Perumpallikuttiyl & AR Dileep]

Versus

1. Union of India represented by its  
Cabinet Secretary, Central Secretariat,  
New Delhi.
2. Union Territory of Lakshadweep  
represented by its Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
3. The Secretary (General Administration and Services),  
Union Territory of Lakshadweep, Secretariat,  
Kavaratti Island – 682 555
4. Abdul Khader M.P,  
Staff Car Driver, ABDO's Office,  
Chetlat. .... Respondents

[By Advocate Shri Shafik M.A (R1 to R3)]

The application having been heard on 14-6-2005, the  
Tribunal on the same day delivered the following:-

ORDERHON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant is a permanent resident of Kavaratti and is working as a Staff Car Driver in the Protocol Department of the Secretariat under the Union Territory of Lakshadweep. As per order dated 24-3-2005 (Annexure A-I), Staff Car Drivers in the Establishment under the Union Territory of Lakshadweep were transferred. The applicant, who is at Sl.No.10, has been shifted to ABDO's Office, Chetlat. The applicant has assailed the transfer order on the ground that he earlier worked in Kavaratti from 1997 to 2004, that according to the transfer guidelines Class III and Class IV employees are to be appointed in the native place itself if there is a vacancy and also cited family problems for seeking retention at the same place. Since no action was taken on his representation, the applicant filed OA.No.236/05, which was disposed of with a direction to the 2<sup>nd</sup> respondent to consider the representation within two weeks and till an order is passed status quo was ordered to be maintained. Vide the impugned order dated 2-5-2005 (Annexure A-IV), the respondents have now disposed of his representation and rejected his request on the ground that his service for a period of 10 years has been at the same place and he is liable to serve in the place of posting given to him and that exigency of public service is the main criterion for the transfer of employees in the Administration. The applicant has now come up before us assailing this order on the ground that the entire services has not been in Kavaratti and that he is not the seniormost person.

2. We have heard the learned counsels.

3. Counsel for the applicant submitted that the applicant's wife is an Asthma patient and is taking treatment at Indira Gandhi Hospital at Kavaratti and the transfer to an Island, which is situated at a distant place requiring 8 to 9 hours of travel by ship, would be inconvenient for continuing the treatment and also that the vacancy which has been created in the Chetlat office is due to consideration of the request of the employee at Sl.No.4. It was also stated that the applicant had, in his representation, mentioned that if it is not possible to retain him at Kavaratti, he may be considered for posting at Kadamat or Amini.

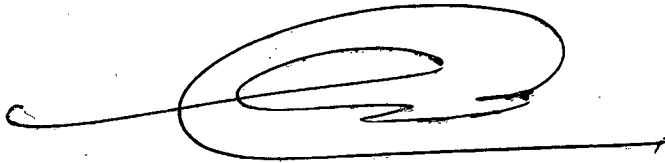
4. Counsel for respondents denied the contention of the applicant and stated that the applicant has been continuously serving in Kavaratti only and he has not come forward with any strong or reasonable ground for interference of the transfer. The transfer orders were issued as early as in March, 2005 covering 16 individuals in the Establishment and the remaining orders have already been implemented. The applicant has been relieved off his duties on 8-4-1996 vide order dated 4-4-1996 (Annexure A-VI).

5. It is well settled law that transfers in Administration are incidents of service and it is the discretion of the Administration authorities, in the interest of administration, to deploy the employees at various places. In this case, the applicant has already been relieved and hence, his request for retention at the same place cannot be considered. However, the applicant being a low paid employee and has made a request that he may be considered to be posted in either Kadamat or Amini Islands if he cannot be retained at Kavaratti, which request has not been considered by the 3<sup>rd</sup> respondent while issuing the impugned orders, in the interest of natural justice, we would direct the 2<sup>nd</sup> respondent to consider the request of the

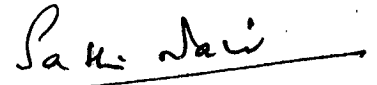
applicant for an alternate posting at either of the two Islands mentioned in his representation dated 29-3-2005 (Annexure A-II) in case any vacancy arises in due course.

6. With the above direction, the Original Application is disposed of. No order as to costs.

Tuesday, this the 14<sup>th</sup> day of June, 2005



**K.V. SACHIDANANDAN**  
**JUDICIAL MEMBER**



**SATHI NAIR**  
**VICE CHAIRMAN**

Ak/NRP