

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.497/93

DATE OF DECISION: 27.9.1993

B.Seethi .. Applicant
Mr.Shafik M.A. .. Advocate for the Applicant

vs.

1. The Director, Department of Animal Husbandry,
Union Territory of Lakshadweep, Kavaratti.
2. The Administrator, Union Territory of Lakshadweep,
Kavaratti.
3. The Collector-cum-Development Officer,
Union Territory of Lakshadweep,
Kavaratti.
4. Kasmikoya .. Respondents

Mr.M.V.S.Nampoothiry .. Advocate for R1 to 3
No appearance .. For respondent No.4.

CORAM:

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

JUDGMENT

Applicant challenges Annexure.I order by which he was transferred from Androth to Kochi. According to him the transfer is made only to accommodate the 4th respondent, who enjoys patronage of the higher officers in the department. Applicant would also say that he had been transferred several times, to Kalpeni in 1980, to Amini in 1981, to Androth in 1987, to Minicoy in 1987 again to Kalpeni in 1988 and then to Androth in 1989. He adds that those with uninterrupted service of ten years or more at Androth, are retained while transferring him.

2. Counsel for respondents submits that applicant is transferred to Kochi to help the Inspector/Stockman. It is not known whether applicant is the only person who can help the

Inspector/Stockman, nor is it known whether the Inspector/Stockman needs any additional help when there are two casual labours to help him.

3. No employee has a vested right to remain at any station or at any station for any length of time. Even so accepted norms should guide the authority in making transfers. Even an authority discharging an administrative function is bound to act in consonance with law and arbitrariness anywhere, is liable to be interdicted. It will meet ends of justice if a direction is given to the Director of Animal Husbandry to consider the representation of the applicant for retention at Androth or for posting him to any other island. If applicant makes a representation within three weeks from today, respondent Director will consider whether it is necessary to effect a transfer, if so what are the norms to be followed for making a transfer, whether there are any circumstances justifying retention of applicant in Androth and also whether applicant can be posted in any of the islands. The impugned order will be held in abeyance till a decision is taken on the representation to be made. However, if a representation is not made within three weeks from today, this order will stand recalled and the application will stand dismissed.

4. Application is disposed of with the above directions.

No costs.

Dated the 27th day of September, 1993.

Chettur Sankaran Nair
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN