

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

O.A. No. 514/1986

M. K. Muthukoya

Applicant

Vs.

1. The Administrator,  
Lakshadweep,  
P.O. Kavaratti, Lakshadweep
2. Settlement Officer,  
Collectorate, Kavaratti,  
Lakshadweep
3. Union of India, represented by  
Ministry of Personnel,  
represented by its Secretary,  
New Delhi.

X  
X  
X  
X  
X

Respondents

M/s. Chandrasekharan &  
Chandrasekhara Menon

Counsel for the  
applicant

P. V. Madhavan Nambiar, SCGSC

Counsel for the  
respondents

CORAM:

Hon'ble Shri Birbal Nath  
Administrative Member

&

Hon'ble Shri G. Sreedharan Nair  
Judicial Member

(Order pronounced by Hon'ble Shri G. Sreedharan Nair,  
Judicial Member on 19.6.1987)

O R D E R

The applicant, an Assistant Settlement Officer in the Administration of Lakshadweep was transferred from Chetlat to Kavaratti and Shri Balakrishna Marar, who was working at Kavaratti was transferred to Chetlat. It was a case of mutual transfer, ordered on 2.4.1986. However, by the order dated 16.5.1986 (Exbt. P-9), the said mutual transfer was deferred until further orders. The applicant represented that the order transferring him to Kavaratti may be implemented on the ground that from 1981 onwards, he had been working in minor islands. His representation was not accepted. Exbt. P-11 is the Office Memorandum relating to the same. The

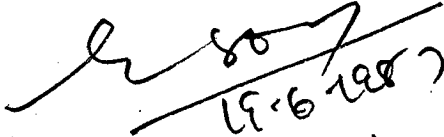
applicant prays for cancellation of Exbts. P-9, and P-11 and for a direction to post him <sup>in</sup> to one of the major islands.

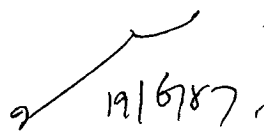
2. In the reply filed by the respondents, it is admitted that pursuant to the order of transfer dated 2.4.1986, the applicant reported for duty at Kavaratti on 5.5.1986. But it is contended that Shri Balakrishna Marar who was the incumbent of the post at Kavaratti had given a representation for allowing him to continue there on medical grounds. The order deferring the transfer is stated to have been passed to enable Shri Marar to continue at Kavaratti as there is no physician in any other islands in Lakshadweep. It is contended that transfers and postings are made according to administrative convenience and hence the applicant cannot claim a posting in any particular island.

3. It is evident from the records that though originally the applicant was transferred from Chetlat to Kavaratti by the order dated 2.4.1986, and though the applicant reported for duty at Kavaratti pursuant to the said order, he was not accommodated there, but by the order dated 16.5.1986, the transfer itself was deferred until further orders. Admittedly, hitherto, the order of transfer has not been implemented. The request of the applicant is only that he may be given a posting in one of the major islands, for from the year 1981, he was working in minor islands, and on that account has been deprived of many a facility for himself and for his family. The request of the applicant cannot be said to be unreasonable, especially when an order transferring him to Kavaratti, a major

island was passed but which has only been deferred. The deferment itself is stated to have been made for accommodating Shri Balakrishna Marar who is holding the post at Kavaratti. The applicant had given Exbt. P-10 representation wherein he has given expression to his problems and has prayed for a posting to one of the major islands. But by the order Exbt. P-11, it was turned down. One of the reasons is that the annual transfers have already been made. It is significant to note that it was as a part of the annual transfers that the original transfer of the applicant to Kavaratti was allowed. At any rate, when only a deferment ~~of~~ that order has been made, at least now, since more than a year has expired, the respondents are bound to implement that order and to post the applicant at Kavaratti. In case there is any extreme practical difficulty in doing so, the respondents will give posting to the applicant in one of the other major islands.

4. This application is allowed as above.

  
(G. Sreedharan Nair)  
Judicial Member  
19.6.87

  
(Birbal Nath)  
Administrative Member  
19.6.1987

Index: ~~Yes~~/No