

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 565 of 1996

Tuesday, this the 4th day of June, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Attakidavu,
Physical Training Instructor,
Government High School, Chetlat,
Union Territory of Lakshadweep.

.. Applicant

By Advocate Mr C S Abdul Sammad.

Vs

1. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.

2. Director of Education, Kavaratti,
Union Territory of Lakshadweep.

3. The Head Master,
Government High School, Chetlat,
Union Territory of Lakshadweep.

4. T M Koyakidavu,
Physical Training Instructor,
Government High School, Chetlat,
Union Territory of Lakshadweep. .. Respondents

By Advocate Ms. Beena for Standing Counsel.

The application having been heard on 4th June 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges an order transferring
him from Chetlat to Kiltan. He approached this
Tribunal earlier and we directed second respondent
to pass an order on his representation. He did pass
an order, A-6, but the order does not reveal any

application of mind as it states:

"Your case has been examined in detail.
Now the department is not in a position
to cancel the order of transfer."

The officer was bound to state the details and reveal the significance of 'now'. This is more so, when there is a specific allegation:

"The 4th respondent is the President of Lakshadweep Employees Parishad and brother of father in-law of Dr. Sayed Ismail Koya (second respondent) who passed the order."

Faced with this Standing counsel for respondents submitted, and rightly too, that A-6 may be quashed with freedom to second respondent to pass a proper order.

2. We quash A-6 and direct second respondent to pass an order stating the reasons for his conclusion as early as he can. We say as early as he can, because we stay the operation of the impugned order till appropriate orders are passed in place of A-6.

3. Original application is allowed to the extent indicated above. No costs.

Dated the 4th June, 1996.


P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

List of Annexure

Annexure A6: True copy of the order No.6/2/94/Edn. dated 29.11.95 issued by the Director of Education, Kavaratti, Union Territory of Lakshadweep, 2nd respondent.