

Central Administrative Tribunal  
Ernakulam Bench

Date of decision: 14-3-1990

Present

Hon'ble Shri SP Mukerji, Vice Chairman  
&  
Hon'ble Shri AV Haridasan, Judicial Member

Original Application No.577/89

Dr.AK Muthu Koya

Applicant

v.

1. Union of India, represented by  
the Secretary to Government of  
India, Ministry of Health &  
Family Welfare, New Delhi.

2. Director of Medical & Health  
Services, UT of Lakshadweep,  
Kavaratti.

3. Dr.Mohammed Aslam, C.H.S.  
Kadamath.

4. Dr.K.Sayed Mohammed Koya,  
Chief Medical Officer,  
Kaithat House, Androth,  
Lakshadweep

- Respondents

Mr.P Santhoshkumar - Counsel for the  
applicant

Mr.PVM Nambiar, SCGSC - Counsel for the  
respondents 1&2

Mr.K.P.Dandapani - Counsel for the  
respondent-4

ORDER

(Shri SP Mukerji, Vice Chairman)

In this application ~~REGD~~ filed dated 3.10.1989/under

Section 19 of the Administrative Tribunals Act, the applicant  
who has been working as Chief Medical Officer at Kalpeni  
island under the Lakshadweep Administration has challenged  
the <sup>his</sup> order of transfer dated 10.9.1989(Ext.R1) to Ahmedabad.

The ground taken by the applicant is that he is a member

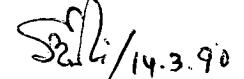
of the Scheduled ~~State~~ <sup>Tribal</sup> and should get preference over others. He has also adduced certain personal and familial difficulties for being allowed to continue at his present posting for some more time. The order of transfer was kept in abeyance by the Ministry of Health and Family <sup>due</sup> Welfare to the interim order of this Tribunal.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. It appears that the applicant had made a representation dated 27.10.1989 to the Ministry of Health and Family Welfare seeking cancellation of the transfer order, ~~or deformation~~ of the transfer order. By another telegram at Annexure-II <sup>affidavit</sup> he had sought ~~deformation~~ <sup>has</sup> of the transfer order by six months. No decision of the Ministry on the aforesaid representation or telegram <sup>has</sup> ~~have~~ been forthcoming. It is stated in the counter affidavit that the representation was not submitted through proper channel. This may be <sup>perhaps</sup> <sup>thereon</sup> one of the reasons why no decision has been taken. However, we in the conspectus of facts and circumstances feel that the Ministry of Health & Family Welfare <sup>will</sup> ~~should~~ take a decision on the representation as early as possible by ignoring the fact that it was not sent through proper channel. We therefore close this application with <sup>the</sup> direction that the Ministry of Health & Family Welfare <sup>should</sup> ~~or would~~ should dispose of the representations of the applicant within a period of one month from the date of communication of this

order and till then, the applicant should be retained in his present posting.

3. There will be no order as to costs.

  
(A.V. Haridasan)  
Judicial Member

  
S.P./14.3.90  
(S.P. Mukerji)  
Vice Chairman

14-3-1990

trs