

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 592/2002

Wednesday, this the 28th day of August, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T.V. Varghese,
Police Constable B. No.180,
Kiltan Police Station,
Union Territory of Lakshadweep.

... Applicant

(By Advocate Mr. P. Jayabal Menon)

Vs

1. Union of India, rep. by
The Secretary,
Ministry of Labour,
New Delhi.

2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti-682555.

3. The Superintendent of Police,
Union Territory of Lakshadweep,
Kavaratti-682555.

... Respondents

[By Mr. P.R. Ramachandra Menon(R 2&3)]

The application having been heard on 28.8.2002, the Tribunal on the same day delivered the following :-

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

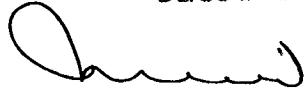
The applicant, who is a Police Constable under the Lakshadweep Administration has filed this application impugning the order A1 dated 26.4.2002 to the extend of his transfer from Kiltan Police Station to Minicoy Police Station. It is alleged in the application that two representations were submitted and the same were rejected, that he is sick and his son is studying in the 10th standard, and that his relief during the peak of monsoon and in the middle of the academic session is against transfer norms. He has filed this application for a direction to the 2nd and 3rd respondent not to transfer the applicant from

Kiltan Police Station to Minicoy Police Station till 15.9.2002 and for a direction to consider and pass orders on Annexure A4 representation.

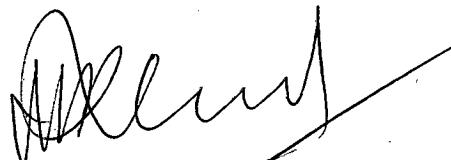
2. Shri P.R. Ramachandra Menon appearing for the respondents 2 and 3 states that the applicant's allegation that the transfer was made during the peak of monsoon and in the middle of the academic session is factually not correct as the said order of transfer was ordered on 26.4.2002, that two representations of the applicant were considered and rejected by the 2nd respondent, that his relief was ordered on 5.6.2002 because he was on leave upto to 4.6.2002 and that his request for retention at the same station is unjustified as the applicant had already drawn TA advance on 1.7.2002.

3. We have carefully gone through the application and have heard the counsel on either side. We find little justification for us to interfere with the impugned orders as there is no valid cause of action in the application. The relief during the peak monsoon was not on account of any administrative lapse, but was because the applicant was on leave till 4.6.2002 and the transfer order was issued before the commencement of the academic session. The applicant having obtained T.A. advance with a view to give effect to the order of transfer cannot seek to set aside the very same transfer order. We do not find any cause of action in this case which would justify judicial intervention. The application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 28th August, 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order No.F.No.1/6/96-Estt.(Pol)/1174 dated 26.4.2002.
2. A-2: True copy of order No.F.No.110/6/86-Service (CC) dated 20.5.1991.
3. A-3: True copy of the certificate issued by the Medical Officer, Medical Trust Hospital dated 11.4.2002.
4. A-4: True copy of the representation dated 18.7.2002 submitted by the applicant to the 2nd respondent.

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5.9.02