

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.61/97

Friday, this the 14th day of February, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

C Beebi,
Auxiliary Nurse Midwife,
Indira Gandhi Hospital,
Kavaratti.

- Applicant

By Advocate Mr PV Mohanan

VS

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

2. The Director,
Directorate of Medical &
Health Service,
Kavaratti,
Union Territory of Lakshadweep.

3. The Medical Superintendent,
Indira Gandhi Hospital,
Kavaratti.

4. K Beefathumma,
Auxiliary Nurse Midwife,
Indira Gandhi Hospital,
Kavaratti.

5. PK Devaki,
Auxiliary Nurse Midwife
(re-employed after retirement),
Indira Gandhi Hospital,
Kavaratti.

- Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC (for R.1 to 3)

The application having been heard on 14.2.97 the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

This application is directed against the order dated
9.5.96 of the second respondent to the extent it relates to the
transfer of the applicant from Kavaratti to Amini. The applicant

is an Auxiliary Nurse Midwife. She came to be posted to Kavaratti on 4.10.93. Now she is being transferred to her native island Amini. The grievance of the applicant is that the transfer is against the guidelines which stipulate that in cases where both the husband and wife are Government servants, they should be posted in the same station as far as possible. Applicant has another grievance that the respondents 1 to 3 have with a view to give an undue benefit to the 5th respondent, re-employed her as Auxiliary Nurse Midwife at Kavaratti and that if that was not done, there would not have been any necessity of shifting the applicant to Amini.

2. The respondents oppose the application. They contend that re-employment of the 5th respondent was on humanitarian grounds as her pensionary difference could not be settled in time and contend that the application is devoid of any merit as the action is not motivated by malafides.

3. We have heard the learned counsel on either side and perused the records. Transfer is an incident of service. A person holding a transferable post has no right to claim that he or she should be continued on a particular post or in a particular station. So long as the action does not amount to a colourable exercise of power, the Tribunal will not interfere in routine administrative matters like transfer. It is the prerogative of the competent authority to decide which official

is to be posted at which place. Personal convenience, inconvenience etc. have to give way to administrative interest. In the absence of any allegation of malafides we are not in a position to interfere with the impugned order.

4. In the result finding no reason for judicial interference with the action of the respondents in transferring the applicant from Kavaratti to Amini, we dismiss the application, leaving the parties to bear their costs.

Dated, the 14th February, 1997.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


AV HARIDASAN
VICE CHAIRMAN

trs/172