

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 619 of 1998.

Thursday this the 4th day of June 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

P.S. Thahir,  
Trained Graduate Teacher  
(Social Studies)  
Government High School, Kadamath,  
Union Territory of Lakshadweep.

.. Applicant

(By Advocate Shri M.V. Thampan)

Vs.

1. Shri Saratchandran,  
The Director of Education,  
Union Territory of Lakshadweep,  
Kavaratti.
2. The Administrator,  
Union Territory of Lakshadweep,  
Kavaratti.
3. P.K.Sayed Ashraff,  
Trained Graduate Teacher,  
Government High School, Minicoy,  
Union Territory of Lakshadweep.
4. P.K. Sayed Mohamed,  
Trained Graduate Teacher,  
Government High School,  
Union Territory of Lakshadweep,  
Kavaratti.

.. Respondents

(By Advocate Shri P.R. Ramachandra Menon, ACGSC (for R.1&2))

The application having been heard on 4th June 1998,  
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

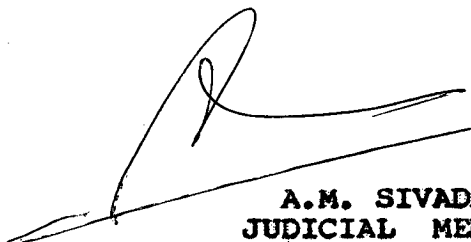
Applicant is aggrieved by A-2 transfer order. His grievance is that while he has been requesting for a transfer to Kiltan, instead of transferring him, the 3rd respondent has been transferred to Kiltan by A-2 order. Applicant challenges A-2 on the ground that it violates the norms and on the ground that the R-1 has mala fide extended help out of the way to the 3rd respondent to secure the transfer in preference to the applicant.

2. When the application came up for admission, the learned counsel for 2nd respondent submitted that the applicant is not entitled to a transfer even according to the norms. He also submitted that the 1st respondent who is included in the party array by name, is a different person from the person who has issued impugned order A-2 and the officer who issued the impugned order A-2 has not been included in the party array by name.

3. The norms prescribed for guiding transfers is not enforceable by the Tribunal. As regards the allegation of mala fide, we find that the officer who issued the impugned order A-2 has not been included in the party array by name. In fact, it is not clear from the pleadings or from the submission made by the learned counsel for the applicant as to whether the mala fide alleged is against Shri Sarat Chandran who is the first respondent or Shri Dr. M.Syed Ismail Koya who is the officer who issued the A-2 impugned order. The vague contention of mala fide cannot be entertained.

4. Application is dismissed. No costs.

Dated the 4th June 1998.



A.M. SIVADAS  
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

LIST OF ANNEXURE

Annexure A2: Order No.18/17/98-Edn(4)  
dated 1.4.1998 issued by  
the first respondent.

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