

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 71/2011

Dated this the 14<sup>th</sup> day of March, 2011

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER  
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

K.V. Abdul Saleem S/o. Thangakoya  
Junior Technical Assistant  
AD Unit, Minicoy Lakshadweep  
Pin - 682 553.

..... Applicant

(By Advocate Ms. M.J. Rajasree)

Vs

1 Union of India, represented by  
The Administrator  
Union Territory of Lakshadweep  
Kavaratti - 682 555.

2 The Director of Agriculture  
Union Territory of Lakshadweep  
Kavaratti - 682 555. .... Respondents

(By Advocate Mr. S. Radhakrishnan)

The Application having been heard on 14.2.2011, the Tribunal delivered the following:

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

In this Application the applicant prays to set aside Annexure A5 and to allow him to continue at Minicoy as per the interim order of

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this Tribunal in O.A. 22/2011.

2 The brief facts of the case is that, when the applicant was transferred out of Minicoy to Chetlat, he challenged the order in O.A.22/2011. When the Application came up for admission, the Tribunal stayed the transfer order, and noting that the substitute has not joined, directed the respondents to allow him to rejoin the same place where he was working at Minicoy. The grievance of the applicant in this Application is that the respondents have taken an inimical attitude towards him and determined not to allow him to continue in the same position, even though no substitute has joined. Hence, he has filed this O.A to quash A-5 transfer of the applicant to Chetlat and to permit him to continue at Minicoy.

3 The applicant has already challenged his transfer to Chetlat in O.A. 22/2011. That O.A. was heard and disposed of by the Tribunal in the following manner:

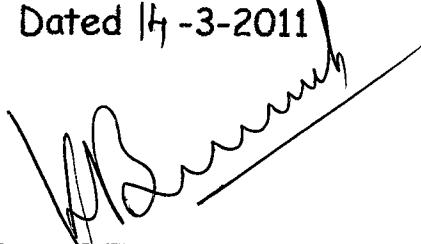
"4 The respondents have not filed any reply statement. The learned counsel for the respondents submitted that the applicant was permitted to join another vacant post at Minicoy and not the post of Junior Technical Assistant from where he was relieved, due to certain administrative exigencies. The applicant prayed for retention at Minicoy, till the end of the academic year vide his representation at Annexure A-2. Since his request was already acceded to by the respondents, we are of the view that the O.A can be disposed of without granting further time to file reply statement. Accordingly, we record the submission of the learned counsel for the respondents that the applicant was permitted to join another post in Minicoy due to certain administrative exigencies. Therefore, the prayer of the applicant stand granted, nothing survives in the Application which is accordingly closed. There shall be no order as to costs."

In view of the decision of the Tribunal in O.A. 22/2011 supra , the applicant is permitted to be retained in Minicoy till the end of the Academic year.



4 The sole issue that survives for consideration in this Application is whether the applicant is entitled to be posted back to the same post where he was working prior to the transfer. It is settled law that an employee has no vested right to insist on working at a particular place or post. It is for the competent authority in the department to decide who is to be posted to a particular post in the exigencies of service and in public interest. Now that the substitute has already joined the post held by the applicant, the respondents in obedience to the interim order have retained the applicant in Minicoy itself. We do not find any infirmity with the action of the respondents. The applicant is not able to point out any prejudice caused to him due to the action of the respondents. Accordingly, the O.A is dismissed. No costs.

Dated 14-3-2011

  
DR. KB. SURESH  
JUDICIAL MEMBER

  
K. NOORJEHAN  
ADMINISTRATIVE MEMBER

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