

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.95/2003.

Monday this the 17th day of February 2003.

CORAM:

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

M.C.Koyamma,  
Head Constable,  
H.C.No.133,  
Special Branch Lakshadweep Office,  
Cochin-3. Applicant

(By Advocate Shri V.B.Harinarayan)

Vs.

1. Union of India represented by the Administrator, Union Territory of Lakshadweep, Secretariat, Kavaratti-682 555.
2. The Secretary, Administration of Union Territory of Lakshadweep, Kavaratti.
3. The Superintendent of Police, Union Territory of Lakshadweep, Kavaratti.
4. Sub Inspector in-charge, Special Branch Unit, Lakshadweep Office, Cochin-3. Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 17.2.2003, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Head Constable who is under the orders of transfer from Special Branch, Lakshadweep Office, Cochin to Kavaratti by order dated 27.1.2003 (A4) has filed this application challenging the A-4 order and for a direction to the respondents to permit the applicant to continue in the present

station at Cochin and in the alternative to direct the 3rd respondent to consider and pass appropriate orders on the representations A-3 and A-5. The facts in brief can be stated as follows:

The applicant is married to one C.O.Saromma working as U.D.Clerk, presently in the office of the Secretary to Administrator, Union Territory of Lakshadweep, Cochin. They have been married for the last fifteen years, but, they could not so far beget a child. They could commence treatment only in the year 2000 under the guidance of Dr.Zubaida Sayeed, M.D., Obstetrician Gynaecologist & Laparoscopic Surgeon, for infertility in Cochin Hospital. The Doctor has advised them to continue treatment and stay together for a period of two years. While so, the applicant had been served with the impugned order of transfer which would jeopardise the treatment for infertility. Aggrieved by that the applicant has filed this application.

2. Shri S.Radhakrishnan, learned counsel for the respondents 2 to 4 under instructions from the respondents stated that the transfer of the applicant became necessary on the basis of the letter of the Secretary to Administrator, the 2nd respondent to consider his transfer to Kavaratti as his wife Smt.C.O.Saromma had already been transferred to Kavaratti in public interest.
3. Learned counsel on either side stated that the transfer of the applicant's wife Smt.Saromma from Cochin to Kavaratti has been set aside by this Tribunal's order in O.A.34/03 dated 11.2.2003 and that on the basis of this statement made on behalf of the respondents the application can be disposed of with appropriate directions.

4. In the light of the above statement made by the counsel before the Bench, now that the transfer of the applicant to Kavaratti has become unnecessary as the order transferring Smt. Saromma, the applicant's wife to Kavaratti has been set aside by this Tribunal, the application is allowed and the impugned order is set aside. No costs.

Dated the 17th February 2003.

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

rv