

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.127/09

Wednesday this the 25th day of February 2009

C O R A M :

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

M.C.Koyamma,
S/o.M.Sayed,
Head Constable, H.C.No.133,
Kalpeni Police Station,
Lakshadweep. (now on transfer to Kavaratti)

...Applicant

(By Advocate Mr.V.B.Harinarayanan)

Versus

1. Union of India represented by the Administrator,
Union Territory of Lakshadweep,
Kavaratti – 682 555.
2. The Superintendent of Police,
Union Territory of Lakshadweep,
Kavaratti.
3. Sub Inspector of Police,
Kalpeni Police Station, Lakshadweep.

...Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 25th February 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by Annexure A-2 order of transfer dated 17.2.2009. By the said order, 14 Police Constables including the applicant has been transferred from one island to another under the Lakshadweep Administration and the applicant has been transferred from Kalpeni to Kavaratti. The applicant has produced a copy of Annexure A-1 order dated 12.3.2007 by which 22 Police Constables including him had been transferred earlier. In the said order it has been clearly stated that the

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criteria for posting will be on the basis of service seniority for a period of 2 to 3 years on a rotational basis and he is entitled for a posting of 2 to 3 years in the present place of posting at Kalpeni ie., till March, 2009/March 2010. The applicant has submitted Annexure A-3 representation dated 18.2.2009 to the respondents against the aforesaid transfer order. He has stated that he worked in almost all the major islands in several turns of tenure and he got his transfer to his native island Kalpeni vide order dated 12.3.2007 and joined there only on 25.4.2007. Within six months of his tenure at Kalpeni his wife who is working in the cadre of Accountant was transferred out to Minicoy. He has not completed his tenure at native island and meanwhile he has been transferred to Kavaratti due to which his family life is disturbed especially because he has no children. In the OA also the applicant has submitted that since there was no opportunity for him to stay with his wife because of the constant transfers he could not undergo the treatment for infertility and the couple have not been posted in the same station for more than 1 to 2 years.

2. I have heard Smt.Rajeswari on behalf of Shri.V.B.Harinarayanan for the applicant and Shri.Rajmohan on behalf of Shri.S.Radhakrishnan for the respondents. As per the submission of the applicant he has joined the present place of posting on 25.4.2007 and if the normal tenure is only 2 years he will be completing the same only on 25.4.2009. However, as the tenure is extendable up to 3 years, he can work at the same place up to 25.4.2010. In view of the difficulties explained by the applicant in his representation as well as in the OA, it is necessary that the respondents should give due consideration to the them.



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3. I, therefore, direct the 2nd respondent, namely, the Superintendent of Police, Kavaratti to consider his representation and take an appropriate decision in the matter and communicate the same to him at the earliest. In the meanwhile, in the interest of justice, the applicant shall not be relieved from the present place of posting till a decision is taken on his representation. With the above directions, the OA is disposed of. There shall be no order as to costs.

(Dated this the 25th day of February 2009)


GEORGE PARACKEN
JUDICIAL MEMBER

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