

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 20/98

Tuesday, this the 17th day of February, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

P Hyder,
Lower Division Clerk,
Lakshadweep Public Works Department,
Kalpeni.

- Applicant

By Advocate Mr N Haridas

VS

1. Union of India represented by its Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. Administrator, Union Territory of Lakshadweep, Kavaratti.
3. Executive Engineer, Lakshadweep Public Works Department Division, Kalpeni.
4. Superintending Engineer, Lakshadweep Public Works Department Division, Kavaratti.
5. KI Kasmikoya, Lower Division Clerk, Lakshadweep Public Works Department Division, Kochi.

- Respondents

By Advocate Mr S Radhakrishnan, ACGSC(for R.1 to 4)

The application having been heard on 17.2.98, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

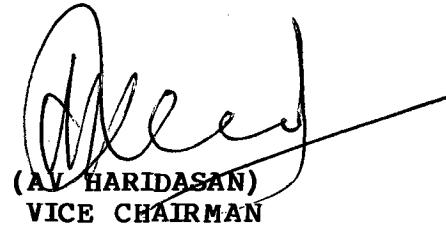
The applicant who was working as a Lower Division Clerk in the Lakshadweep Public Works Department, Kalpeni,

was by the impugned order dated 12.12.97, transferred and posted as LD Clerk in the Government High School, Kavaratti. In the place of the applicant, the 5th respondent was transferred and posted. The applicant has assailed the impugned order on various grounds. It is alleged that the transfer of the applicant was to accommodate the 5th respondent, that even though there are other vacancies in the same island, the applicant has been transferred to a different island putting him to undue hardship, that the transfer during the middle of the academic year while the applicant have school going children would cause undue hardship to him and that as the applicant's wife is working as a Primary School Teacher at Kalpeni, his transfer out of the island is against the declared policy of the Government to accommodate the employed spouse at the same station, as far as practicable.

2. When the application came up for hearing on 7.1.98, learned counsel appearing for the official respondents undertook to get a clarification from the respondents as to whether it would be feasible to accommodate the applicant as also the 5th respondent at Kalpeni itself. When the application came up for hearing today, learned counsel for official respondents, under instructions from the respondents states that at present there is no vacant post at Kalpeni where the applicant can be retained. He has also stated that the 5th respondent has joined the post as LD Clerk on 29.12.97 and the applicant has joined the transferred post at Kavaratti on 12.1.98. According to the official respondents, the transfer has been made on administrative ground and no judicial intervention is called for.

3. When the application came up for hearing today, none appeared on behalf of the applicant. However, I have carefully perused the application and the relevant materials available on record. Transfer is an incident of service and an officer holding a transferable post has no right to claim that he should be retained in a particular place or in a particular post. So long as the order of transfer is not vitiated by malafides or infraction of any rules, judicial intervention is not at all justified. Under these circumstances, finding no justifiable reason to interfere with the matter, the application is dismissed. No costs.

Dated, the 17th February, 1998.



(A.V. HARIDASAN)
VICE CHAIRMAN

trs/18298