

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.215/2000

Friday this the 25th day of February, 2000

CORAM

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

N.S.Madhusoodanan, ALK (SS)
Vizhinjam Light House,
Vizhinjam PO,
Trivandrum.

...Applicant

(By Advocate Mr. N. Mahesh)

vs.

1. Union of India, represented by
the Secretary,
Ministry of Surface Transport,
New Delhi.
2. The Director,
Light Houses and Light Ships,
Ministry of Surface Transport,
Deepa Bhavan,
5/20, Jaffer Syarang Street,
Chennai.1.

...Respondents

(By Advocate Mr. T.C.Krishna (represented)

The application having been heard on 25.2.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is working as Assistant Light Keeper in Vizhinjam Light House at Trivandrum is aggrieved that though he was posted there only in the year 1995 he has been transferred to Pandian Tivu by order dated 22.12.1999 during the academic session. It is stated that the applicant's elder daughter is studying in the 11th standard, that the transfer before she completes 12th standard would jeopardise her educational career and that he being the General Secretary of the Union the Union also wants him to be retained in Trivandrum. He has made a representation to the second respondent to permit him to continue at Trivandrum for one more year on 6.2.2000 but the same has not been disposed of so far. Finding that the

applicant is likely to be relieved soon, the applicant has filed this application challenging the order dated 22.12.1999 and praying for a direction to the respondents not to transfer the applicant from Vizhinjam Light House to Pandian Tivu Light House and to permit him to continue at Vizhinjam Light House.

2. I have perused the application and have heard the learned counsel of the applicant and Shri P.Ramakrishnan, learned counsel appearing for the respondents. Apart from stating that the applicant is a General Secretary of the Union which would like to have him continued at Trivandrum and that his daughter's education is likely to be adversely affected if he is transferred out, nothing has been stated in the application as to how the impugned order is unsustainable in law. The impugned order is an order by which the applicant who has been working at Trivandrum for the last five years is transferred to another place in the same post. Transfer being an incident of service and a routine administrative matter, I do not find any justification for judicial intervention in the matter. That the applicant's daughter's education would be jeopardised or that the Union will have a problem if he is transferred out are not matters which should determine whether the applicant should be transferred or not. The paramount consideration is public interest. The impugned order states that the applicant has been transferred in public interest.

Therefore, I do not find any reason to entertain this application. The application, is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. However, as the applicant has made a representation for retention at Vizhinjam Light House for another one year, we expect that the competent authority would consider his representation and pass appropriate orders. No order as to costs.

Dated the 25th day of February, 2000



A.V. HARIDASAN
VICE CHAIRMAN

S.