

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 226/02

Monday, this the 8th day of April, 2002.

CORAM :

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

M.C. Kunhikoya,
S/o Ahammed B., aged 49 years,
Senior Auditor, Field Pay Unit(FPU),
Kadamat, Lakshadweep,
Residing at Mullachetta House,
Kadamath, Lakshadweep-682556. Applicant

(By Advocate Mr. K.P. Dandapani)

vs

1. The Secretary(Administration),
Administration of the U.T. of Lakshadweep,
(Secretariat), Kavaratti Island-682555.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti Island-682555.
3. The Collector-cum-Development Commissioner and
Secretary General Administrative Services,
Union of Territory of Lakshadweep,
Kavaratti Island-682555.
4. P.P. Aboobacker,
Head Clerk,
Electrical Division,
Kavaratti.
5. Koyakkidave,
Accountant,
Government High School,
Kadamat. Respondents

[By Mr. P.R.R. Menon (R 1-3)]

The application having been heard on 8.4.2002, the Tribunal on the same day delivered the following :

ORDER

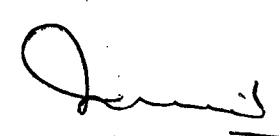
HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicant, a senior Auditor, Field Pay Unit(FPU), Kadamat, Lakshadweep is aggrieved that before he has completed the tenure of three years, and while he is in the process of making preparation for his daughter's wedding which is to be held in June, 2002, he has been by impugned order Annexure A1

transferred to Kavaratti, posting 4th respondent in his place. Alleging that the transfer of the applicant before completion of three years while 5th respondent who had already completed 11 years in that station is retained is arbitrary, the applicant has filed this application seeking to set aside the impugned order to the extent it affects him and to direct the 2nd respondent to consider Annexure A5 representation of the applicant and to give appropriate reply. When the application came up for admission today, the learned counsel on either side agreed that the application may be disposed of by directing the 2nd respondent to consider the A5 representation of the applicant dated 23.3.2002 and to give him an appropriate reply within a reasonable time keeping the relief of the applicant pursuant to the impugned order pending if the applicant has not already relieved as on date.

2. In the light of the above submission made by the counsel on either side, we dispose of this application directing the 2nd respondent to consider A5 representation of the applicant and to give the applicant an appropriate reply as early as possible. Till a reply on his representation is served on the applicant, we direct that the the applicant shall not be relieved from the present place of posting on the basis of the impugned order if he has not already been relieved by now. No costs.

Dated the 8th April, 2002.



T.N.T. NAYAR,

ADMINISTRATIVE MEMBER



A.V. HARIDASAN,

VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of Office Order F.No.12/21/2002-Services dated 14.3.2002 issued by the 1st respondent.
2. A-2: True copy of the Circular dated 29.5.91 issued by the 1st respondent.
3. A-3: True copy of representation sent by the applicant to the 3rd respondent dated 16.3.2002.
4. A-4: True copy of the representation submitted by the applicant to the 3rd respondent dated 18.3.2002.
5. A-5: True copy of the representation submitted by the applicant to the 2nd respondent dated 23.3.2002.

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8.4.02