

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.230/2005.

Thursday this the 31st day of March, 2005.

CORAM:

**HON'BLE MR. KV SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER**

K.B.Sammil, Staff Car Driver,
Protocol, Kavaratti, residing at
Kadaparathava House, Kavaratti Island,
Union Territory of Lakshadweep. Applicant

(By Advocate Ms. Sreelekha Puthalath)

Vs.

1. Union Territory of Lakshadweep represented by its Administrator, Union Territory of Lakshadweep, Kavaratti.
2. The Secretary, (General Administration and Services), Union Territory of Lakshadweep, Secretariat, Kavaratti Island-682 555.
3. Thangakoya M.P., Staff Car Driver, Directorate of Fisheries, Kavaratti.

(By Advocate Shri Shafik M.A.)

The application having been heard on 31.3.2005
the Tribunal on the same day delivered the following.

ORDER (oral)

HON'BLE MR. KV SACHIDANANDAN, JUDICIAL MEMBER

The applicant who claims that he is the permanent resident of Kavaratti and was posted as a Staff Car Driver in the Secretariat at Kavaratti vide A-1 transfer order dated 20.5.2004. He was displaced by the 3rd respondent who was transferred to Directorate of



Fisheries, Kavaratti. The applicant was now transferred to Directorate of Fisheries, Kavaratti by order A-II dated 24.3.2005. As per the transfer guidelines the tenure period is 3 years and the said transfer is effected in violation of the transfer policy and there is no justifiable reason to deviate from the transfer guidelines. Aggrieved by the action on the part of the respondents the applicant has filed this O.A seeking the following relief.

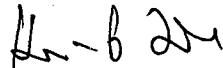
- a. To issue appropriate orders calling for the records leading to Annexure A-II and quash the same in so far it transfers the applicant from Protocol, Kavaratti to Directorate of fisheries, Kavaratti.
2. Shri George Varghese Perumpallikuttyil, learned counsel appeared for the applicant and Shri Shafik MA, learned counsel appeared for the respondents.
3. Learned counsel for the applicant submitted that though the transfer order is shown that he is transferred to Directorate of Fisheries, Kavaratti, the Head Office of the Directorate of Fisheries is at Agatti Island, around 260 kilometers away from Kavaratti Island and therefore, he will be put to great hardship and irreparable injury. Counsel for the applicant also submitted that the applicant would be satisfied if he is permitted to make a comprehensive representation putting all his grievances to the Ist respondent and the Ist respondent is directed to consider and dispose of the same within a time frame.
4. Counsel for the respondents submitted that he has no objection in adopting such a course of action.
5. Accordingly, in the interests of justice, we direct that the applicant shall make a



representation to the 1st respondent within a week and the 1st respondent on receipt of the same shall consider and dispose of the same within a time frame of two months from the date of receipt of a copy of this order.

6. Counsel for applicant submitted that the applicant has not been relieved till date. Therefore, in the interests of justice, we also direct that the applicant shall not be disturbed till an order is passed on the representation in the event of such a representation is received.
7. O.A. is disposed of as above. In the circumstance, no order as to costs.

(Dated the 31st day of March 2005)



H.P.DAS
ADMINISTRATIVE MEMBER



K. V. SACHIDANANDAN
JUDICIAL MEMBER