

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 232/2003.

Tuesday this the 8th day of April 2003.

**CORAM:**

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

(By Advocate Shri.V.Giri.)

VS.

1. Director of Education, Union Territory of Lakshadweep, Kavaratti.
2. Mr. Cheriyakoy, Headmaster, Government J.B.School (North) Agatti.
3. Mr. M. Ismail, Headmaster, Government J.B.School (Centre) Agatti.
4. Union of India represented by its Secretary, Ministry of Home Affairs, New Delhi. Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 8th April, 2003, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. K. V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant is working as Headmaster in Government Junior Basic School, Minicoy since June 2000. He claims that he had completed 2 years of service at Minicoy. The respondents 2 and 3 are working in Government J.B. School (North), Agatti and Government J.B. School (Centre), Agatti respectively and they have completed 5 and 8 years of service respectively. The applicant also produced a circular A-1 dated 29.5.1991 wherein Clause 2 of A-1 stipulates that the normal period of posting in Islands as far as possible shall not exceed the limit specified therein, viz., 3 years for Kavaratti, Agatti, Andrott, Kalpeni, Amini and

Kadmat and two years for Kiltan, Chetlat and Minicoy islands. Since the applicant has completed two years of service, he is seeking a transfer to Agatti in the place of either R-2 or R-3 and he claimed that he has got a legal right for claiming the same. He has also taken a plea of compassionate reasons since his mother is blind and his father is bed-ridden and he himself is a heart patient. He submitted several representations dated 19.9.01, 26.12.01, 28.2.02. He submitted the last representation dated 17.6.2002 to the first respondent which is not yet been disposed of. Aggrieved by the inaction on the part of the respondents the applicant filed this O.A. seeking the following reliefs.

- i) To declare that the applicant is entitled to be transferred and posted as Headmaster to either Government J.B.School (North) Agatti Island or Government J.B.School (Centre) Agatti Island.
- ii. declare that the non-consideration of the representations dated 19.9.2001, 26.12.2001, 28.2.2002 and Annexure A4 representation is illegal.
- iii) direct the Ist respondent to transfer the applicant and post him as Headmaster either in government J>B.School (North), Agatti or Government J.B. School (Centre), Agatti.
- iv) direct the Ist respondent to take appropriate action upon Annexure A(4) representation within a time limit to be fixed by this Hon'ble Tribunal; and
- v) issue such other direction, order or declaration as this Hon'ble Tribunal deems fit and proper in the circumstances of the case.

2. Mr. V. Giri, learned counsel appeared for the applicant and Shri S.Radhakrishnan took notice for the respondents. Learned counsel for the respondents submits that on going through the Annexure A-1, there is no bar in keeping an official for a long period in any of the islands in public interest under the orders of the Administrator.

3. When the matter came up for hearing today, Mr. V Giri appeared for the applicant and Shri S. Radhakrishnan appeared for the respondents. Learned counsel for the applicant submitted that he would be satisfied if the 1st respondent is directed to dispose of A-4 representation within a time frame. Learned counsel for the respondents submitted that he has no objection in adopting such a recourse. Considering the facts and circumstances, this Court ~~itself~~ is of the view that in the interest of justice, the R-1 can be directed to <sup>be</sup> disposed of, the representation within a time frame.

4. Therefore, in the conspectus of the facts this Court directs the first respondent to dispose of A-4 representation taking into various considerations of A-1 and other relevant facts and to give the applicant a speaking order as expeditiously as possible and in any case within a period of two months from the date of receipt of a copy of this order. The first respondent is at liberty to hear the 2nd and 3rd respondents if he so desires while disposing of the representation.

5. In the circumstances, the application is disposed of as no order as to costs.

Dated the 8th April, 2003.



K.V.SACHIDANANDAN  
JUDICIAL MEMBER

rv