

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**O.A.No.245/2008
Dated the 16th day of May, 2008**

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

M.K.Subaidabi
Primari School Teacher,
Government Senior Basic School,
Kalpeni, Lakshadweep Island. ... Applicant

By Advocate Mr.N.Nagaresh

V/s.

- 1 Administrator,
Union Territory of Lakshadweep
Kavaratti, Lakshadweep.
- 2 Director of Education,
Union Territory of Lakshadweep,
Kavaratti, Lakshadweep.
- 3 Headmaster,
Government Senior Basic School,
Kalpeni, Lakshadweep.
- 4 M.K.Abdul Saleem, PST
Government Girls High School,
Kavaratti, Lakshadweep. ... Respondents

By Advocate Mr.S.Radhakrishnan

The application having been heard on 16.05.2008, the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

The applicant is aggrieved by the Annexure A-2 Office Order dated 27.3.2008 by which she was transferred from SBS Kalpeni to JBS



(C)Agatti vice Smt.M.K.Cheriyabi. Applicant is at serial no.71 of the Annexure A-2 transfer order and Smt.Cheriyabi is at serial no.68. Shri Abdul Saleem at serial no.67 who is presently at CGHS Kavaratti is being posted against the post occupied by the applicant. In the order itself it has been stated that Mr.Abdul Saleem and Smt.Cheriyabi are being transferred on their request.

2 The applicant has submitted that she joined service as Primary School Teacher (PST for short) on 8.8.93 at Andrott and after five years of service there, she was transferred to Kalpeni in the year 1999. Thereafter, she was transferred to Amini Island in the year 2002 and Kadmat Island in 2003. The applicant's husband Mr.M.Sayed Mohammed Koya was also working as a PST in Kadmat. He died while in service on 22.3.2005 leaving behind his wife and a three month old child. Thereafter, she sought a transfer to her native place at Kalpeni and the same was granted in the year 2005. Since then she has been working in SPS Kalpeni Island. The applicant has submitted that being a widow with a three year old child, the respondents should have allowed her to continue at the present place of posting. She has specifically pointed out the case of Smt.M.K.Cheriyabi whose husband died was retained at Kalpeni for a period of 7 years from 1.6.2001 to 31.3.2007 and Smt.C.N.Habusabi, PST, Kalpeni whose husband died was retained at Kalpeni from 1.6.2002 to 31.3.2008. Her request is that she should be allowed to continue there atleast for one more year as the child is only three years old. She has, therefore, submitted Annexure A-1 representation dated 29.1.2008 followed by Annexure A-3

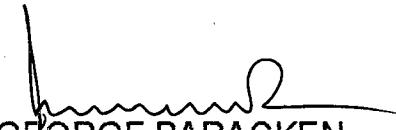


representation dated 31.3.2008 and A-4 representation dated 28.4.2008.

Counsel for applicant submits that she has not been relieved so far and the aforesaid representations have not been disposed of by the respondents.

3 I have heard Advocate Mr.N.Nagaresh, counsel for applicant and Advocate Mr.S.Radhakrishnan, counsel for respondents and considered their averments in the OA.

4 In my considered opinion, this OA can be disposed of at the admission stage itself by directing the respondents to consider the aforesaid Annexure A-1, A-3 and A-4 representations in accordance with the rules, facts and circumstances of the case. The 1st respondent shall take a decision in this matter at the earliest and communicate the same to the applicant. Till such time, statusquo as on today shall be maintained in respect of the applicant by the Respondents. OA is accordingly disposed of with the above directions. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp