

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.273/2002

Monday, this the 22nd day of April, 2002.

CORAM;

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

T.Cheriya Koya,
Block Development Officer,
Chetlat,
U.T. of Lakshadweep. - Applicant

By Advocate Mr K.M.Mohammed Kunhi

Vs

1. The Administrator,
UT of Lakshadweep,
Kavarathi.
2. The Secretary,
Administration,
U.T. of Lakshadweep, Kavarathi.

By Advocate Mr S Radhakrishnan

The application having been heard on 22.4.2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, Shri T.Cheriya Koya, Block Development Officer, Chetlat, filed O.A.No.216/2002 impugning an order of his transfer to Kalpeni Island to Chetlat Island. It was alleged in that application that his transfer out of the island when the construction of his residential house was midway through would jeopardise the rest of the construction work. He had made a representation for cancellation of the

transfer which remained to be disposed of. By consent of all the parties, that O.A. was disposed of directing the first respondent to consider the representation of the applicant and to give him an appropriate reply. In obedience to the above direction, A-4 order has been passed by the first respondent. It is indicated in the order that the transfer of the applicant out of his native island has been made on the basis of a policy decision taken to transfer all the BDO's and ABDO's out of their native islands for a free, fair and impartial conduct of the Panchayat election which is to take place shortly. It has been stated that under these circumstances, it was not possible to accede to the request of the applicant.

2. Aggrieved, the applicant has filed this application seeking to challenge A-2 to the extent it affects him and A-4 order as it has been made without due application of mind to his grievances.

3. In view of the fact that the transfer of the applicant from Chetlat to Kelpeni Island is on the basis of the policy decision taken generally to transfer all the BDO's/ABDO's posted in their native islands to other islands with a view to have a free, fair and impartial Panchayat election, I am of the considered view that intervention with the transfer order by the Tribunal is not justified. However, since the applicant's posting to Chetlat initially was made on his request to facilitate construction of his residential house, I am of the considered view that the first respondent has to

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consider the case of the applicant for a reposting after the Panchayat election is over. While declining to interfere with the impugned orders, I dispose of the application directing the applicant to give effect to the impugned orders forthwith and permitting him to make a representation to the first respondent for a retransfer to Chetlat once the Panchayat election is over and directing the first respondent that when such representation is received from the applicant, the same shall be considered keeping in view the fact that the applicant could not complete the house construction within the short period during which he was posted in Chetlat island.

3. The application is disposed of as above. No costs.

Dated, the 22nd April, 2002.


A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

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Applicant's Annexures:

1. A-1 : True copy of the representation dated 24.1.2001 submitted by the applicant to the 1st respondent.
2. A-2 : True copy of the Order F.No.2/3/96 dated 20.3.2002 issued by 2nd respondent.
3. A-3 : True copy of representation dated 22.3.02 submitted by the applicant to the 1st respondent.
4. A-4 : True copy of Order F.No.2/3/96-Services dated 17.4.02 of the 1st respondent.

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