

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.273/09

Tuesday this the 12th day of May 2009

C O R A M :

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

C.P.Badani,
W/o.U.Sabjan,
Lady Village Extension Officer,
(Department of Women and Child Development),
Agatti Island, Union Territory of Lakshadweep.Applicant

(By Advocate Mr.R.Ramadas)

Versus

1. The Administrator,
Union Territory of Lakshadweep.
2. The Secretary,
Women and Child Development Department,
Kavaratti Island, U.T of Lakshadweep.
3. The Director (W & CD),
Department of Women and Child Development,
Kavaratti Island, U.T of Lakshadweep.
4. Smt.K.Assumabi,
Lady Village Extension Officer,
Minicoy Island, U.T of Lakshadweep.Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 12th May 2009 the Tribunal on the same day delivered the following :-

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant has challenged Annexure A-1 order dated 17.2.2009 whereby she stands transferred with effect from 16th of May from Agatti Island to Kavaratti Island. The grievance of the applicant is that she is being shifted at a juncture when her husband is working in the Pay and

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Accounts Department in the Agatti Island and their children are studying in Agatti Island (B.Com). It is also the case of the applicant herein that for a period of more than 11 years she was working in Kavaratti Island.

2. Briefly stated the applicant is functioning as a Lady Village Extension Officer at Agatti Island. By Annexure A-1 order, which deals with the transfers of as many as 6 Lady Village Extension Officers, she has been transferred to Kavaratti Island from Agatti Island. The applicant has preferred representation dated 30.4.2009 whereby she has requested for retention at Agatti Island itself and in case the same be not possible, a request has been made for transfer to Androth so that the applicant may admit her daughter to B.Com Degree at Androth. She has also expressed in the said letter that already she had done about 10 years of service at Kavaratti. Annexure A-3 is also addressed to the Hon'ble Administrator in respect of ACP. Annexure A-4 is yet another representation with regard to her retention at Agatti Island or else at Androth Island. These representations have not so far been responded to.

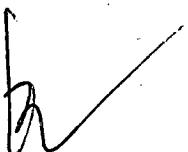
3. Counsel for the applicant submitted that since she has not been relieved and since her representations are still pending, it would be appropriate if a direction is given to the respondents to consider the aforesaid representations and dispose the same and till then Annexure A-1 transfer order in so far as it relates to the applicant is not pressed into service.

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4. Counsel for the respondents submitted that in all probability the representations have not so far been disposed of. The fact that the applicant along with others may be relieved by 16th of May as per Annexure A-1 order has been confirmed.

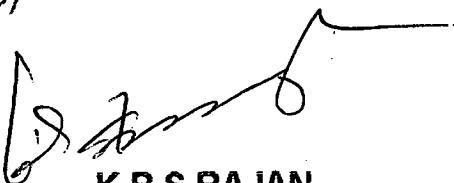
5. The matter has been considered. The applicant's daughter is prosecuting her higher education and the applicant is very keen to see that her daughter is given good education, it is heartening to note that the persons at Islands who are geographically separated from the main land are now keen in ensuring education to their wards. Within the permissible limit such a situation should be encouraged rather than discouraged. As such, it will be only appropriate if the respondents are directed to consider the representations of the applicant in respect of her retention at Agatti Island or posting at Androth Island in which case the applicant would be able to ensure her daughter's continued education. Further the fact that the applicant had already done 10 years of service at Kavaratti Island may not be lost sight of while dealing with the application. From the pleadings it may not be possible to notice as to what sort of difficulties the administration may be facing in acceding to the request of the applicant. That may be known only to the Administrator/respondents. A comparative hardship may, therefore, have to be ascertained and the balance of convenience has to be weighed and in whichever direction the balance tilts, a decision can be taken by the Administrator.

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6. Keeping in view the above considered opinion, the respondents are directed to consider the representations of the applicant vide Annexure A-2 and Annexure A-4 as well as such other representations, if any, pending with them and arrive at a judicious decision and communicate the same to the applicant. Till such time the decision is arrived at and communicated Annexure A-1 order dated 17.2.2009 transferring the applicant from Agatti Island to Kavaratti Island shall not be implemented. The OA is disposed of accordingly. There shall be no order as to costs.

(Dated this the 12th day of May 2009)



K.B.S. RAJAN
JUDICIAL MEMBER

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