

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 278 1993

DATE OF DECISION 18.2.93

N. Seethikoya Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The Administrator, U.T. of Lakshadweep, Kavaratti and others Respondent (s)

Mr. N.N. Sugunapalan Advocate for the Respondent (s) 1 to 3

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

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1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement
4. To be circulated to all Benches of the Tribunal ?

## JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is at present working as Supervisor, Fibre Factory, Kadamat Island, Lakshadweep Islands. He is challenging Annexure-I order by which he has been transferred to Androth Island. Applicant alleges malafides against the transfer specifically impleading the fourt respondent, Assistant Director of Industries, Directorate of Industries, Kavaratti. He relies on the Govt. of India letter dated 25.4.70 by which the President has decided that locally recruited government servant including persons belonging to the mainland but recruited locally should not be posted outside their native Island except when absolutely necessary. He further submitted that this transfer which has been effected in the middle of the academic year dislocates his family. He has also made a request for

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a transfer to his native island namely Kavaratti. That request is pending consideration. Without taking a decision on his representation for getting a transfer to his native island where the present incumbent has completed the normal tenure of three years, the applicant has been transferred to Androth Island.

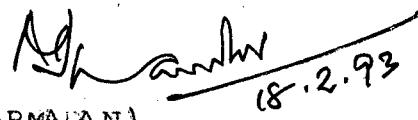
2. At the time when the case came up for hearing on admission on 15.2.93, learned counsel Shri N. N. Sugunapalan, appearing on behalf of the respondents 1 to 3 sought time for filing a reply statement. Accordingly, he filed a detailed reply opposing the admission of the application. The indications in the statement is that the applicant was in the habit of absenting himself from duty without prior permission. Hence, it was necessary to put him under a senior officer as per the impugned order. It is also stated that the transfer has been issued in the exigency of service.

3. The applicant after receipt of the transfer order submitted Annexure-III representation dated 13.2.93 before the first respondent. The said representation has not been disposed of so far. In the statement filed by the respondents there is no mention about the consideration of the representation.

4. Having heard arguments on both sides, I am of the view that in the nature of the allegations and averments in the application and in the statement filed by the respondents, it is necessary that the Administrator should examine the contentions of the parties and take a fair and proper decision and dispose of Annexure-III representation filed by the applicant. Hence, I am satisfied that justice will be met in this case if I direct the first respondent to consider Annexure-III representation and pass orders on the same as expeditiously as possible, at any rate within a period of one month in accordance with law. I do so.

Till a decision is taken and communicated to the applicant as directed above, the impugned order of transfer shall be kept in abeyance.

5. The application is disposed of as indicated above.
6. There shall be no order as to costs.

  
(N. DHARMALEAN)  
JUDICIAL MEMBER  
18.2.93

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