

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.284/2002

Tuesday this the 21st day of January, 2003

CORAM

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

M.C.Kunhikoya, S/o Ahammed B
aged 49 years
Senior Auditor, Field Pay Unit (FPU)
Kadamat, Lakshadweep
Residing at Mullachetta House,
Kadamat, Lakshadweep. ...Applicant

(By Advocate Mr.Santhosh Mathew)

V.

1. The Secretary (Administration)
Administration of the Union Territory of
Lakshadweep, Secretariat, Kavaratti Island.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti Island.
3. The Collector-cum-Development Commissioner
and Secretary General Administration Services,
Union Territory of Lakshadweep
Kavaratti.
4. P.P.Aboobacker, Head Clerk,
Electrical Division,
Kavaratti.
5. Koyakkidave, Accountant,
Government High School,
Kadamat.Respondents

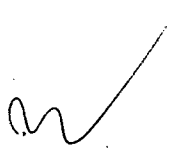
(By Advocate Mr.S.Radhakrishnan (R.1to3))

The application having been heard on 21.1.2003, the Tribunal on the same day delivered the following:

ORDER

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


The applicant, Senior Auditor, Field Pay Unit(FPU), Kadamat, Lakshadweep, was by order dated 14.3.1002(Annexure A4) transferred to Kavaratti. Applicant submitted Annexure A5 representation to the Collector cum Development Commissioner



.2.

requesting for cancellation of his transfer on the ground that his daughter's marriage already fixed had to be conducted in June, 2002, that the transfer would cause him great hardship and that one Shri T. Koyakkidave, Accountant who has been working in Kavaratti for more than 11 years having been not transferred the applicant has been discriminated. Finding that the representation was not disposed of and apprehending that the applicant would be relieved, the applicant filed OA No.226/2002 challenging the order of transfer which was disposed of as agreed by the counsel on either side with a direction to the 2nd respondent therein to consider the representation of the applicant and to give an appropriate reply as early as possible keeping the relief of the applicant in abeyance. The 1st respondent has considered his representation and issued an order dated 20.4.2002 turning down the request for cancellation of transfer stating that his transfer was made on expiry of the tenure although a few days remained for completion of 3 years. The applicant was relieved by Annexure A2 order dated 22.4.2002. Challenging the orders Annexure A1 and A3, the applicant has filed this application. It is alleged in the application that Annexure A1 order does not disclose application of mind to the averments made in the representation that the 5th respondent had continued at Kavaratti for more than 11 years and that the transfer of the applicant was arbitrary and discriminatory.

2. The respondents in the reply statement contend that the applicant has already completed a period of 3 years, and that since his daughter's wedding is over and the transfer was made in public interest, the claim of the applicant is not justified.



.3.

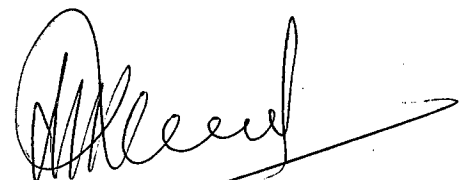
They further stated that after accepting the relieving order, the applicant as also his substitute have already joined in their respective places.

3. I have carefully gone through the pleadings and material placed on record and have heard the learned counsel for the applicant and the learned counsel for the respondents 1 to 3.

4. Transfer is an incidence of service and interference with orders of transfer would be justified only if the order is vitiated. No such vitiating factor is brought out against the order of the transfer by the applicant. Further the main grievance of the applicant is that the transfer from Kadamat is before the expiry of 3 years is no more relevant now. Since the applicant has already given effect to the order of the transfer by joining at the place of posting, the application has now become infructuous also.

5. In the light of what is stated above, the application is dismissed without any order as to costs.

Dated the 21st January, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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