

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.285/2013

Wednesday , this the 20th day of November, 2013

C O R A M :

**HON'BLE MR.JUSTICE A.K BASHEER, JUDICIAL MEMBER
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

B.Badaruddin
S/o.Migdad
Biriommada House
Kadamat Island
Lakshadweep
Stenographer, J.N.S.S.S
Kadamat, Lakshadweep

- Applicant

(By Advocate Mr.Anand S.A)

Versus

1. Administration of the Union Territory of Lakshadweep
represented by the Administrator
Union Territory of Lakshadweep
Kavaratti - 682 555
2. The Director (Services)
Administration of the Union Territory of
Lakshadweep
Kavaratti - 682 555

- Respondents

(By Advocate Mr.S.Radhakrishnan)

This application having been heard on 20th November, 2013 this Tribunal on the same day delivered the following :-

ORDER

BY HON'BLE MR.JUSTICE A.K BASHEER, JUDICIAL MEMBER

Applicant who is stated to be working as Stenographer under the Union Territory of Lakshadweep; impugns Annexure A-2 order by which he has been transferred from Jawaharlal Nehru Senior Secondary School at Kadmat to Pay and Accounts Office at Kavaratti. According to the applicant, the above order of transfer is in total violation of the transfer

policy guidelines contained in Annexure A-4 circular issued by the Administration. He contends that he has not so far completed his minimum tenure of three years at Kadmat and therefore he could not have been transferred at this juncture. He further contends that construction of his residential building is not yet completed and therefore, going by the guidelines, he is entitled to be retained at Kadmat itself. However, he has not produced any document in support of the above contention.

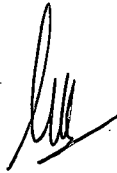
2. It is pointed out by the respondents that the transfer was necessitated since there was acute shortage of Stenographers at Headquarters, Kavaratti. It was found that the service of the applicant at the school in question was not very essential. Moreover, applicant had worked in Kadmat from April 2003 to April 2007. Thereafter, he was again transferred back to Kadmat in June, 2011 where he is working even now. Thus, he has worked at Kadmat for well over 7 years, though in different spells. Anyhow, the applicant does not have a case that the order of transfer is vitiated by malafides or vindictiveness. If the applicant has any genuine grievance it is open to him to approach the authority concerned and seek redressal of the same.

3. Having regard to the entire facts and circumstances of the case we do not find any irregularity or illegality in Annexure A-2 order, which is impugned in this Original Application. Therefore, the Original Application is dismissed.

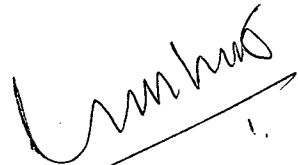
4. However, it will be open to the applicant to submit a representation before the competent authority, viz; respondent no.2 herein,

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highlighting his grievances. This shall be done within two weeks from today. If such a representation is received, respondent no.2 shall take a decision thereon as expeditiously as possible, at any rate, within one month from the date of receipt of the same. Needless to mention that the applicant shall be afforded sufficient opportunity of being heard before any decision is taken on the representation. No cost.



K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER



JUSTICE A.K.BASHEER
JUDICIAL MEMBER

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