

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.294/2002

Friday, this the 3rd day of May, 2002.

CORAM;

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

V.K.Somanathan Nair,
Staff Car Driver Grade-I,
Lakshadweep Administration Office,
Willington Island, Kochi.

- Applicant

By Advocate Mr NN Sugunapalan

Vs

1. The Secretary(Administration),
Secretariat,
Union Territory of Lakshadweep,
Kavarathi.

2. The Administrator,
Union Territory of Lakshadweep,
Kavarathi.P.O.
Lakshadweep.

3. M.Sukumaran,
Driver, Secretariat,
Kavarathi,
Lakshadweep.

- Respondents

By Advocate Mr S Radhakrishnan(for R.1&2)

The application having been heard on 3.5.2002 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 V.K.Somanathan Nair, Staff car Driver Grade-I under the Lakshadweep Administration posted at Willington Island, Kochi, is aggrieved by the order dated 25.4.200 a general transfer order of three Staff Car Drivers, by which the applicant has been transferred to Chetlat Island

posting the third respondent in his place. It is stated in the application that the applicant had Cerebral Hemorrhage in 1995, that recently when he consulted the Doctor, he has advised Biopsy and that under the present health condition it would be hazardous if he is posted to Chetlat as in case of emergency, it would not be possible for him to get proper treatment.

2. The applicant had submitted a representation for cancellation of the transfer order which is pending. Therefore, the applicant has filed this application praying for the following reliefs:

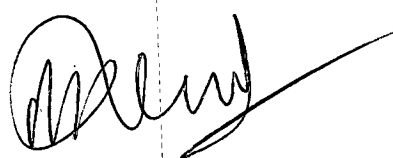
- i) Quash and set aside Annexure-A3 order.
- ii) Direct the 1st and 2nd respondents to accommodate the applicant on the mainland itself.
- iii) Direct the 2nd respondent to consider and pass orders on Annexure-A4.

3. When the application came up for admission on 30.4.2002, learned counsel of the respondents sought two days' time to get instructions and an interim order was issued by this Tribunal keeping the relief of the applicant pending till instructions are received from the respondents. Today learned counsel of respondents 1&2 Shri S Radhakrishnan, under instruction from the respondents states that the applicant had already drawn pay advance on account of transfer and has applied for transfer TA advance also. He has also stated that

the transfer has been made in the exigencies of service. The counsel further states that in case any urgent treatment is required, facility exist for airlifting to mainland by helicopter and that therefore, there is no reason why the Tribunal should interfere in the routine administrative matter.

4. Since the transfer has been made only in public interest and as the applicant has also applied for transfer TA advance and pay advance, I do not find any cause of action of the applicant which calls for admission of this application. Therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 3rd May, 2002.



A.V. HARIDASAN
VICE CHAIRMAN

trs

APPENDIX

APPLICANT'S ANNEXURES

- 1.A1: A true copy of the C.T.scan report dated 31.5.95.
- 2.A2: A true copy of the medical report dated 26.4.2002
- 3.A3: A true copy of the office order No.F.No.12/22/2000 services dated 25.4.2002 issued by the 1st respondent.
- 4.A4: A true copy of the representation dated 26.4.2002 submitted by the applicant to the 2nd respondent.
