

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.298/2005

Tuesday this the 26th day of April 2005.

CORAM:

HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

A.Kunhikoya,
Senior Pharmacist, Lakshadweep Medical Store,
Kochi-3. Applicant

(By Advocate Shri R.Sreeraj)

Vs

1. The Administrator, Union Territory of Lakshadweep, Kavarathi.
2. The Secretary, (Health), Union Territory of Lakshadweep, Kavarathi.
3. The Director of Medical and Health Services, Department of Medical and Health Services, Union Territory of Lakshadweep, Kavarathi.
4. K.Haridasan, Pharmacist, Medical Directorate, Union Territory of Lakshadweep, Kavarathi. Respondents

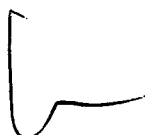
(By Advocate Shri Shafik M.A.)

The application having been heard on 26.4.2005
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

The applicant, who is a Senior Pharmacist, under the Lakshadweep Administration was transferred from Kochi to Kavarathi vide order dated 25.4.2005(A1) before completing six months' service at Kochi and without considering his request for transfer to his home island, Androth. While he was working at Minicoy, he was transferred to Kochi by an order dated 5.10.2004. Before issuance of A-1 he has made two representations A2 and A3 to the Administrator and Director respectively putting his



grievance with a request to consider him for transfer to Androth, as he is constructing a house in Androth and he is planning to solemnize his daughter's marriage by August/September, 2005. The respondents were not considered his case for transfer to Androth, but, he has now been transferred to Kavarathi. Aggrieved by the action on the part of the respondents, the applicant has filed this O.A. seeking the following main reliefs:

- i. To quash Annexure A1 to the extent it relates to the applicant and the 4th respondent.
 - ii. To direct the respondents to consider the applicant for transfer to Androth within a time frame to be fixed by this Hon'ble Tribunal keeping in abeyance Annexure A1 order to the extent it relates to the applicant and the 4th respondent.
2. When the matter came up before the Bench, Sri R.Sreeraj, learned counsel appeared for the applicant and Sri Shafik, learned counsel appeared for the respondents. Counsel for applicant submitted that the transfer order has been issued without due application of mind. Learned counsel for the applicant submitted that the applicant may be permitted to make a comprehensive representation to the 1st respondent and the 1st respondent, on receipt of the same may be directed to consider and dispose of the representation within a time frame. Counsel for respondents submitted that he has no objection in adopting such a course of action.
3. In the interests of justice, this court permits the applicant to make a comprehensive representation to the 1st respondent within a week and the 1st respondent on receipt of the same shall consider and dispose of it and pass appropriate orders and communicate the same as expeditiously as possible at any rate within a time frame of two months from the date of receipt of the representation.
4. In the interests of justice, this Court directs that the operation of the impugned



order (A-1) as far as the applicant is concerned shall be kept in abeyance till the disposal of the representation and communicate the same.

5. O.A. is disposed as above. In the circumstance, no order as to costs.

Tuesday this the 26th April 2005.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line extending to the left and a small loop at the end.

K.V.SACHIDANANDAN
JUDICIAL MEMBER