

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

**ORIGINAL APPLICATION NO:311/2009.
DATED THE 22nd DAY OF MAY, 2009.**

CORAM:

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

K P Hajirommabi
Primary School Teacher,
Senior Secondary School, Kavaratti
residing at Alaska Nivas,
Near Senior Secondary School,
Kavaratti, Lakshadweep. ... Applicant

By Advocate Mr N Nagaresh

V/s

- 1 Administrator,
Union Territory of Lakshadweep,
Kavaratti, Lakshadweep.
- 2 Secretary,
Department of Education,
Lakshadweep Administration,
Kavaratti, Lakshadweep.
- 3 Director of Education,
Directorate of Education,
Union Territory of Lakshadweep,
Kavaratti, Lakshadweep.
- 4 K I Mohammed Ali
Primary School Teacher,
Senior Basic School,
Kadamat, Lakshadweep. ... Respondents

By Advocate Mr S Radhakrishnan

This application having been heard on 22.05.2009 the Tribunal on the same day delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the Annexure A-2 transfer order by



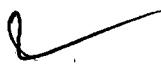
which she has been transferred from GSSS Kavaratti to SBS Kadamat vice Shri K I Mohammedali. According to the applicant, her husband is also working at the same station and in terms of Clause (6) of the Annexure A-1 circular dated 29.5.1991 issued by the Administrator, Union Territory of Lakshadweep, in cases where both the husband and the wife are Government servants, they should be posted at the same station, as far as possible. Further, it has been stated in the said circular that in cases where the husband and the wife are employed in different departments under Lakshadweep Administration, their transfers and postings will be made after mutual consultation between the two transferring authorities.

2 The applicant has also submitted that according to the Annexure A-4 seniority list, there are many teachers who are working at Kavaratti with longer period of service than the applicant. She has given the specific names of some of those teachers in para 5(C) of the OA.

3 On receipt of the aforesaid transfer order, the applicant made the Annexure A-3 representation to the Secretary of Education, Union Territory of Lakshadweep requesting him to retain her on the aforesaid grounds. According to her, she has also made an identical representation to the Administrator, Union Territory of Lakshadweep. Both the aforesaid representations have not been disposed of by the respective authorities.

4 Learned counsel for respondents, Advocate Mr S Radhakrishnan submitted that even if the applicant's contention, that she has submitted the aforesaid representations on 19.5.2009, i.e. the day on which the impugned order was issued, is accepted she cannot expect to get an instant reply. Shri Radhakrishnan has also submitted that the administrator is on leave.

5 I have heard Advocate Mr N Nagaresh, learned counsel for



applicant and Advocate Mr S Radhakrishnan learned counsel for respondents. It is an admitted position of law that an applicant has a right to make a representation against his transfer if it is made in violation of the rules, transfer guidelines, other relevant instructions, etc. In my considered opinion, the respondent no.2, in the absence of respondent no.1 shall, therefore, consider the applicant's Annexure A-3 representation and dispose it off by a reasoned and speaking order as expeditiously as possible.

6 Shri Nagaresh, learned counsel has submitted that the applicant has not been relieved by the respondents so far. The respondents shall maintain statusquo with regard to the transfer of the applicant vice Mr K I Mohammed Ali till the disposal of the aforesaid representation.

6 With the above direction, the OA is disposed of. There shall be no order as to costs.

7 Copy of this order be given by hand to the counsel for parties today.



GEORGE PARACKEN
JUDICIAL MEMBER

abp