

Central Administrative Tribunal
Ernakulam Bench

Dated Thursady the eighth day of June,
One thousand, nine hundred and eighty nine.

Present

Hon'ble Shri NV Krishnan, Administrative Member

DA 313/89

M Attakoya

:Applicant

Vs

1 The Headmaster
Govt. High School, Amini,
Lakshadweep.

2 Administrator
UT of Lakdhadweep,
Kavaratti.

3 Director of Education .
UT of Lakshadweep
Kavaratti.

4 MC Hamza
Primary School Teacher
Senior Basic School
Minicoy.

:Respondents

M/s N Dharmadan & MV Thamban

: Counsel of Applicant

Mr PVM Nambiar, Sr CGSC

: Counsel of Respondents

O R D E R

In this application, the applicant who is a Primary School Teacher in the Union Territory of Lakshadweep, has been transferred by the impugned order dated 18.3.89 (Annexure-I) from the Government High School, Amini to Senior Basic School, Minicoy. The applicant had also prayed for an interim direction restraining the respondents from giving effect to the transfer order in so far as it relates to his transfer.

2 When the matter came up for hearing, the prayer for interim relief, the Sr. CGSC for the respondents stated that according to the information received from the

respondents, a representation has been made by the applicant to Respondent No.2 and that action is being taken to dispose of this representation. He submitted that pending disposal of that representation, the implementation of the impugned transfer order may be kept stayed.

3 Counsel for the applicant, ^{has} drawn my attention to ~~the averment made in the~~ ^{another} representation (Annexure-VI) from one Shri AC Khalid, Primary School Teacher, Kadmat requesting for a transfer to Amini on a mutual basis in place of the applicant, ^{states,} and that the applicant has no objection to be transferred to Kadmat. Counsel of applicant requests that this representation, ^{may} also ~~be~~ be considered and that, in any case, the respondents may be directed to keep in view the relevant guidelines that has been issued by the Ministry of Home Affairs.

4 Having considered the matter, I am of the view that it is necessary to ensure the representations that have been made are disposed of by the respondents. Accordingly, Respondent No.2 or 3, as the case may be, is directed to dispose of the representation dated 30.3.89 made by the applicant seeking cancellation of the transfer order, or in the alternative, consider the representation dated 4.5.89 (Annexure-VI) of Shri AC Khalid seeking mutual transfer as between him and the applicant so that the applicant gets a transfer to Kadmat. In any case, the respondents are directed to keep in mind the guidelines regarding the transfer issued by the Ministry of Home Affairs.

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5 Pending final disposal of the representations ^{by respondents} at Annexure-II and VI, the impugned order at Annexure-I in so far as it concerns the transfer of the applicant is stayed.

6 The original application is thus disposed of accordingly.



21.8

(NV Krishnan)
Administrative Member
8.6.89