

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.329/2002.

Monday this the 12th day of August, 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

M.K.Nallakoya,
Veterinary Attendant,
Lakshadweep Office,
Indira Gandhi Road,
Willington Island, Kochi-3. Applicant

(By Advocate Shri E.S.M. Kabeer)

v_s .

1. The Administrator,
U.T. of Lakshadweep,
Kavaratti.
2. The Director,
Animal Husbandary,
Union Territory of Lakshadweep,
Kavaratti.
3. Farm Manager (Veterinary)
Lakshadweep Office,
Indira Gandhi Road,
Willington Island, Cochin-3. Respondents

(By Advocate Shri P.R.Ramachandra Menon)

The application having been heard on 12th August, 2002 the Tribunal on the same day delivered the following:

ORDER

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

The applicant is a Veterinary Attendant under the respondents in the Lakshadweep Office, Willington Island, Cochin for the last three years. He was served with an order Annexure A-2 dated 15.3.2002 by which he was transferred to VDP, Androth. Alleging that he made a representation A-3 for retention at Cochin on compassionate grounds as his son aged ten years is undergoing treatment from Sri Chitra Tirunal Institute for Medical Sciences and Technology for a very serious ailment known as residual cervico medullary astrocytoma and that he has not

been given any reply to his representation, but has been served with A-1 order requiring his immediate relief, the applicant has filed this application seeking to set aside the impugned order A-1 and for a direction to the 2nd respondent to permit the applicant to continue in service as Veterinary Attendant at the 3rd respondent's office so long as the applicant's son continue his treatment at Shree Chitra Thirunal Institute of Medical Sciences and Technology.

2. The respondents have filed a reply statement disputing that A-3 representation was made and indicating the services of the applicant, a regular Attendant, is required ~~more~~ in Androth.

3. However, when the O.A. came up for hearing, learned counsel on either side agreed that the application may be disposed of permitting the applicant to make a detailed representation to the first respondent with supporting documents and directing the first respondent to consider the representation and to give the applicant an appropriate reply keeping the relief of the applicant pending till such a reply is served on him.

4. In the light of the above submission made by the learned counsel on either side, the application is disposed of permitting the applicant to make a detailed representation to the first respondent within fifteen days with supporting documents claiming retention at Cochin, and directing the first respondent to consider the said representation and to give the applicant an appropriate reply. We also direct that till a reply on the

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representation of the applicant is served by the first respondent, the applicant shall not be relieved from the present place of posting. There is no order as to costs.

Dated the 12th August, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order F.No.1/8/2000-AH dated 15.4.2002 issued by the 2nd respondent to the Secretary to the Administrator, Kochi.
2. A-2 : True copy of the Order F.No.Ett.1/8/2001-AH dated 15.3.2002 issued by the 2nd respondent to the individuals.
3. A-3 : True copy of the representation submitted by the applicant before the 2nd respondent dated 19.3.2002.
4. A-4 : True copy of the Fax Message regarding Order F.No.Ett. 1/8/2001-AH dated 30.3.2002 issued by the 2nd respondent to the Chairperson, VDP, Kavaratti & Others.
5. A-5 : True copy of the case summary and discharge record issued by the department of Neuro Surgery, Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum.
6. A-6 : True copy of the Certificate dated 9.12.99 issued by Prof. R.N.Battacharya Head of the Department, Neuro Surgery, Sree Chitra Tirunal Institute for Medical Sciences & Technology, Trivandrum.
7. A-7 : True copy of the Acknowledgement Card showing the receipt at Kavaratti on 27.3.2002.
8. A-8 : True copy of the representation submitted to the 2nd respondent showing the ailment of the applicant.
9. A-9a: True copy of the Postal Receipts dated 5.4.2002 for sending Annexure A-8.
10. A-9 : True copy of the Certificate issued by the Headmistress St.Joseph's U.P.School Kadavanthra dated 5.8.2002.
11. A-10: True copy of the certificate dated 5.8.2002 issued by the Headmistress Haji-Esa Haji Moosa Haji Memorial High School, Mattancherry showing that there is no boarding facility in the School.

Respondents' Annexures:

1. R-1 : True copy of the Circular F.No.1/6/86-Services (CC) dated 29.5.91 issued by the then Administration.
2. R-2 : True copy of the Amendment issued as per Order F.No.1/6/86 (CC) dated 2.7.91.
3. R-3 : True copy of the FAX 1/8/2001-AH dated 5.6.2002 issued by the 2nd respondent.

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