

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 330 of 2002

Friday, this the 10th day of May, 2002

CORAM

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

1. Ammukutty Amma,
W/o K.C. Balakrishnan,
Teacher (Malayalam),
Government High School, Minicoy
residing at Government Quarters,
Minicoy.Applicant

[By Advocate Mr. M.R. Rajendran Nair]

Versus

1. The Director of Education,
Administration of the Union Territory
of Lakshadweep, Department of Education,
Kavarathi.

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

3. The Headmaster,
Government High School, Minicoy.

4. Union of India, represented by its Secretary
to Government of India,
Ministry of Home Affairs, New Delhi.Respondents

[By Advocate Mr. P.R. Ramachandra Menon (R1 to R3)]
[By Advocate Mr. C. Rajendran, SCGSC (R4)]

The application having been heard on 10-5-2002, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant is a Language Teacher working at
Government High School, Minicoy. While working so, her husband
Sri K.C.Balakrishnan, CI of Police was transferred from Minicoy
to Chetlat by order dated 2-4-2002. The said order was
challenged and is now pending before the Hon'ble High Court of
Kerala. While so, vide Annexure A1 order dated 18-5-2000 the
applicant was transferred to Chetlat. Vide Annexure A7 order

dated 6-4-2002 her representation was rejected by the 2nd respondent and vide Annexure A8 order dated 9-4-2002 the relieving order has been served on the applicant by the 3rd respondent. Aggrieved by the said orders, the applicant has filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 for the following reliefs:-

- "i. Quash Annexure A1, A7 and A8.
- ii. Declare that the applicant is entitled to be retained at Minicoy Government High School and direct the respondents to retain the applicant at Government High School, Minicoy, atleast till the date of her voluntary retirement that is till 31.12.2002.
- iii. Grant such other relief as may be prayed for and the Tribunal may deem fit to grant, and
- iv. Grant the costs of this Original Application."

2. Sri P.R.Ramachandra Menon takes notice for respondents 1 to 3 and Sri C.Rajendran, SCGSC takes notice for the 4th respondent.

3. Learned counsel for the applicant submitted that the applicant had submitted an application to the 1st respondent seeking voluntary retirement from service with effect from 31-12-2002 and at this juncture it would be a hardship for the applicant to leave the present Headquarters and join a new station and again to leave that station within six months. The applicant had also submitted a representation dated 25-4-2002 (Annexure A-10), which is pending disposal. At this point of time, the learned counsel for respondents 1 to 3 submitted that the respondents will consider the applicant's voluntary retirement application, if any made and dispose of the same on its merit and that till such time Annexure A8 relieving order of the applicant will be kept in abeyance and she will be permitted to work at Government High School, Minicoy.

4. In the light of the submissions made by the parties, the Original Application is disposed of directing the respondents to consider the applicant's voluntary retirement application, if any made and pass orders thereon and till such time Annexure A8 relieving order of the applicant shall be kept in abeyance. No costs.

Friday, this the 10th day of May, 2002



K.V. SACHIDANANDAN
JUDICIAL MEMBER

ak.

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of the order No.18/41/2000-Edn(Estt) dated 18-5-2000 issued by the 1st respondent.
2. A-2 : True copy of the representation dated 25.5.2000 submitted by the applicant to the 1st respondent.
3. A-3 : True copy of the order dated 9.6.2000 in OA.553/2000 on the file of the Hon'ble Tribunal.
4. A-4 : True copy of the order No.36/13/2000-Edn. dated 16.8.2000 issued by the 1st respondent.
5. A-5 : True copy of the order dated 18.2.2002 in O.A.963/2000 of the Hon'ble Tribunal.
6. A-6 : True copy of the representation dated 9.3.2002 submitted by the applicant to the 2nd respondent.
7. A-7 : True copy of the order No.18/41/2000-Edn(Estt) dated 6.4.2002 issued by the 2nd respondent.
8. A-8 : True copy of the Office Order No.1/1/2001-HSM dated 9.4.2002 issued by the 3rd respondent.
9. A-9 : True copy of the representation dated 10.4.2002 submitted by the applicant to the 2nd respondent.
10. A-10 : True copy of the reminder dated 25.4.2002 submitted by the applicant to the 2nd respondent.

Respondents' Annexures: N i 1

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