

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.354/2007

Monday this the 4 th day of June, 2007.

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

P.Kunhi,
Primary School Teacher,
Government High School,
Kiltan, Lakshadweep. Applicant

(By Advocate Shri N.Nagaresh)

Vs.

1. Union Territory of Lakshadweep,
represented by its Administrator,
Kavaratti, Lakshadweep.
2. Secretary (Education),
Union Territory of Lakshadweep,
Kavaratti, Lakshadweep.
3. Director of Education,
Directorate of Education,
Kavaratti, Lakshadweep.
4. K.P.Kunhikoya,
Primary School Teacher,
JBS(S), Amini, Lakshadweep. Respondents

(By Advocate Shri S.Radhakrishnan)

The application having been heard on 4.6.2007,
the Tribunal on the same day delivered the following.

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant is aggrieved by the transfer order dated 30.3.2007 whereby he stands transferred from GHS Kiltan to JBS(S) Amini vide Sl.No.22 of Annexure A-1. According to the applicant, persons with more station seniority are still continuing in the same place at Kiltan while the applicant has been

transferred. It has been stated by the counsel for the applicant that, the applicant has five children of whom the eldest est is to be got married in August 2007 and the second representation to reconsider the issue vide Annexure A-4 dated 17.4.2007 is still under consideration of the respondents, as no rejection of the same has been received by the applicant.

2. In the place of the applicant the 4th respondent one Shri K.P. Kunhikoya (Sl.No.22 in Annexure A-3) has been transferred and according to the counsel for the applicant, this individual had also made a representation for his being retained at Amini itself, but the same does not seem to have been allowed, and, in all probability the said R-4 might join his new place of posting at Kiltan in the place of the applicant. Counsel for the applicant further submits that vide Sl.No. 76 of A-1 order dated 30.3.2007, one C.N.Beebi has been transferred from JBS(S) Kiltan to GHS Chetlat and the post vacated by her is still vacant wherein the applicant could easily be accommodated, even if R-4 has joined new Duty Post.

3. Counsel for the respondents submits that the requirement at JBS(S) Amini may not perhaps permit the authorities to allow the applicant's request. In the event of 4th respondent 's joining the new place of posting even the O.A. may become infructuous.

4. Arguments were heard and documents perused. The fact that the applicant has five children of whom the eldest has to be got married in the near future has been specified in the representation. As such, the social responsibility of the applicant may have to be considered while considering the case of the applicant for retention at Kiltan. As at present a vacancy exists (JBS(S), Kiltan, it would be appropriate that the applicant is retained against the said post at Kiltan for the

time being and the respondents may consider the representation dated 17.4.2007 of the applicant for permanent retention keeping in view the functional requirements at Amini on the one hand and the domestic circumstances of the applicant on the other. Till then, the applicant shall not be dislodged from Kiltan. A judicious decision in regard to the representation dated 17.4.2007 may be given within a period of two months from the date of communication of this order, and acted upon.

5. With the above directions the O.A. is disposed of. No costs.

Dated the 4th June 2007.



**Dr.K.B.S.RAJAN
JUDICIAL MEMBER**

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