

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 377 of 2007

Wednesday, this the 4th day of July, 2007

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER**

**Muneerabi C.G.,
Primary School Teacher, JBS (E), Kavaratti,
residing at Chemengath House, Kalpeni. -- Applicant.**

(By Advocate Mr. N.Nagaresh)

vs.

- 1. Administrator,
Union Territory of Lakshadweep,
Kavaratti., Lakshadweep.**
- 2. Director of Education,
Directorate of Education,
Union Territory of Lakshadweep,
Kavaratti, Lakshadweep.**
- 3. M.K.Sareena Gulsheer,
Primary School Teacher,
JBS(E),Kavaratti, Lakshadweep. -- Respondents**

(By Advocate Shri.S.Radhakrishnan)

**The application having been heard on 4.7.2007
the Tribunal on the same day delivered the following:**

O R D E R

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant, a Primary School Teacher, JBS(E), had been working in Kavaratti since 2004. The applicant's husband is working in the Society for promotion of Recreational Tourism & Sports (SPORTS) and had undergone an Open Heart surgery in the year 2002 for which he needs frequent and periodical Prothrombin Tests, which are available only at Kavaratti. For major check ups he has to be taken to Sree Chitra Institute at Trivandrum. Before the general transfers were affected the applicant had

made a representation to the competent authority and consequently, she had not been considered at the time of issue of A-3 order effecting general transfer dated 30.3.2007. Subsequently, on modification, A-4 impugned order dated 13.4.2007 has been issued transferring the applicant from Kavaratti to Minicoy. She had immediately made A-5 representation requesting for consideration of her claim for transfer on the ground of posting of husband and wife at one and the same station, which was also endorsed by a superior officer. However, her request has not been considered so far. It is also the case of the applicant that by Annexure A-7 at Sl.Nos. 1 & 3 therein, who had not made any such requests for transfer, have been re-transferred and posted at Kavaratti.

2. When the matter came up on 13.06.2007 counsel for respondents was directed to obtain instructions on the next date of hearing (i.e.today) about the vacancy position at Kavaratti. It is now submitted by the learned counsel for the respondents before us that, the applicant has been relieved and the others who were also relieved to join the new place, have since joined. It is also mentioned that, in the case of three other original applicants before this Tribunal, their requests were directed to be considered for transfer to Kavaratti and therefore there is no scope for accommodating the applicant.

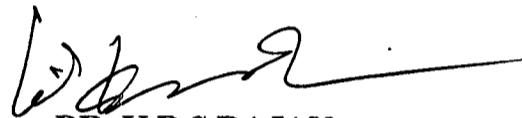
3. The Counsel for the applicant brought to our notice A-9 representation made by Smt. P.Belkhis, a Primary School Teacher, who was transferred from Kadmath to Kavaratti by the general transfer order at Annexure A-3, (at Sl.No.77) in which she pleads that, her transfer to Kavaratti may be cancelled and to consider her request for a change to Androth Island, her native place.

4. In view of the above developments we are of the view that, the request of the applicant which needs compassionate consideration on the medical grounds advanced, could be considered along with the request made by Smt. Belkhis at A-9.

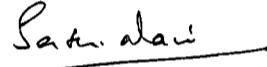
5. Accordingly, we direct the Ist respondent to consider the request of the applicant at A-8, along with the request mentioned in A-9 and to take a decision within two weeks from the date of communication of this order.

6. O.A.is disposed of as above. No costs.

Dated the 4th July 2007.



DR. K.B.S.RAJAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

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