

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No. 391 of 2004

Tuesday, this the 1st day of June, 2004

CORAM

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

1. A.M. Fathima Manica,
W/o Moosa,
Junior Engineer,
Lakshadweep Public Works Department,
Minicoy Sub Division,
Union Territory of Lakshadweep,
Minicoy.Applicant

[By Advocate Mr. M.V. Thamban]

Versus

1. Sri S. Attakoya,
Executive Engineer,
holding additional charge as the
Superintending Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Kavaratti.
2. Superintending Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Kavaratti.
3. The Administrator,
Union Territory of Lakshadweep, Kavaratti.
4. B. Mohammed Khaleel,
Junior Engineer,
Lakshadweep Public Works Department,
Union Territory of Lakshadweep, Androt.
5. Union of India represented by the
Secretary to the Government,
Department of Home, New Delhi.Respondents

[By Advocate Mr. S. Radhakrishnan (R1 to R5)]

The application having been heard on 1-6-2004, the
Tribunal on the same day delivered the following:

O R D E R

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

The applicant working as Junior Engineer, Lakshadweep
Public Works Department was transferred from Minicoy Sub
Division to Kavaratti as part of Annexure A7 order dated

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27-5-2004. Alleging that the applicant is suffering from Allergic Urticaria and chronic Headache and that the transfer from Minicoy to Kavaratti before she could complete three years is malafide because the 1st respondent who had some difference of opinion in the year 1992 with her has wantonly issued the impugned order to harass her, the applicant seeks to have the impugned order set aside.

2. We have heard the learned counsel of the applicant as also Shri S.Radhakrishnan, learned counsel appearing for the respondents 1 to 5.

3. Transfer is an incident of service. No officer holding a transferable post has a right to claim that he/she should be retained in a particular place or posted in any particular post. It is well settled that judicial intervention in orders of transfer would be justified only in cases where the orders are vitiated by malafides or violation of statutory rules. The allegation in the application that the order is bad for malafides, because the 1st respondent who had some difference of opinion with the applicant in the year 1992 has purposefully transferred the applicant from Minicoy to Kavaratti is too farfetched and non-specific to be taken cognizance of. What was the difference of opinion has not been stated. Further difference of opinion need not necessarily create enmity or illwill. We are not convinced that the applicant has made out a prima facie case that the order has not been issued bonafide


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and therefore, we find that this application does not deserve to be admitted.

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Tuesday, this the 1st day of June, 2004



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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