

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.400/2007

Wednesday, June 20, 2007

CORAM : HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

K.Ammi,
Trained Graduate Teacher(Malayalam),
Government Senior Secondary School,
Kavaratti. ... Applicant

By Advocate Mr.V.Madhusudhanan

V/s.

- 1 The Hon'ble Administrator,
Union Territory of Lakshadweep,
Kavaratti
- 2 The Director of Education,
Union Territory of Lakshadweep,
Kavaratti.
- 3 Smt.P.P.Najeemathbi,
Trained Graduate Teacher (Malayalam),
Government Senior Secondary School,
Kavaratti. ... Respondents

By Advocate Mr.Shafik M.A.

The application having been heard on 20.6.2007 the Tribunal delivered the following on the same day:

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member

The applicant is aggrieved by the Annexure A-1 Office Order dated 30/3/2007 by which she was transferred from G.H.S.Kavaratti to

G.H.S. Andrott. In her place the Respondent No.3 who was working in SBS Minicoy had been posted and she has already taken charge at the new place of posting.

2 The applicant is a Trained Graduate Teacher (Malayalam) serving under Lakshadweep Education Department since 1981. She served in many Islands during her career. She was transferred and posted to G.H.S Kavaratti in 2000. When she was again transferred and posted to Minicoy G.H.S in the year 2005, she requested to the Administrator and the the Director of Education to retain her in G.H.S. Kavaratti and accordingly she was retained. She is a person with 40% disability and was suffering from Weakness of Left Lower Extrimity as to post Poliomyelitis. She has also submitted that she had fallen during vacation and her left forearm is fractured. Her son is a student of CBSE in VIIIth standard in Kavaratti. There is no CBSE VIIIth standard in Andrott where she is now posted. Her substitute, Respondent No.3 is neither a physically handicapped person nor a resident of Kavaratti.. Showing all the above facts, she made three representations dated 28/5/2007 (Annexures A-6 and A-7) to the Administrator and the Director of Education, Lakshadweep respectively. They have not taken any action on her representation so far.

3 Mr.Shafik M.A. Advocate appeared on behalf of respondents on having been served with an advance copy of OA to him. He has not disputed the facts stated in the OA.

4 In my considered view, the Applicant's right for

consideration of her representation cannot be denied. The respondents should have considered her aforementioned Annexure A-6 and Annexure A-7 representations dated 28/5/07 requesting them to retain her in Kavaratti, in view of her personal problems and the decision thereof should have been communicated to her. I, therefore, dispose of this OA at the admission stage itself by directing the first respondent, Administrator of Lakshadweep Administration to consider the request made by the applicant to him vide Annexure A-6 representation dated 28/5/2007 and dispose of the same with a reasoned and speaking order within a period of two weeks from the date of receipt of this order. There shall be no order as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER

abp*