

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.402/05

Friday, this the 10th day of June, 2005.

CORAM :

**HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR. N.RAMAKRISHNAN, ADMINISTRATIVE
MEMBER**

**Dr.M.C.Mohammed
Chief Medical Officer
PHC Kadamat
Residing at : Kadamat
Union Territory of Lakshadweep : Applicant**

[By Advocate Mr.T.C.Govinda Swamy]

Vs.

1. **The Administrator
Union Territory of Lakshadweep
Kavaratti**
2. **The Director of Medical & Health Services
Directorate of Medical & Health Services
Union Territory of Lakshadweep
Kavaratti**
3. **Secretary, Health
Directorate of Medical & Health Services
Union Territory of Lakshadweep
Kavaratti**
4. **Dr.M.P.Mohammend Koya
Chief Medical Officer, Amini Island
Union Territory of Lakshadweep
Amini Island : Respondents.**

[By Advocate Mr.Shafik M.A R (1 – 3)]

The application having been heard on 10.06.2005, the Tribunal on the same day delivered the following:

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ORDER

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

The applicant is presently working as Chief Medical Officer in Kadamath Island under the Union Territory of Lakshadweep. As per transfer policy, medical officers who have completed three years of service outside will be considered for transfer and posting back to their respective native Islands. The applicant is away from his native Island since 1997. Dr.M.P.Mohammad Koya having lesser service than the applicant outside the Island has been transferred and posted by Annexure A-1 to Kalpeni Island. Aggrieved by the said action the applicant has filed this Original Application seeking the following reliefs:-

- (a) Call for the records leading to the issue of Annexure A 1, and quash the same to the extent it transfers Dr. M.P.Mohammed Koya, the 4th respondent to Kalpeni Island in preference to the Applicant;
- (b) Direct the respondents to consider the applicant for a transfer and posting to Kalpeni Island and direct further to grant consequential benefits arising thereto;
- (c) Award costs of and incidental to this Application
- (d) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case.

2. Shri T.C.Govinda Swamy appeared for the applicant and Mr.Shafik, MA appeared for respondents 1 to 3. The learned counsel for respondents submitted that the applicant has no subsisting right and the Original Application is pre mature. Since the name of the applicant does not figure in the Annexure A-1 order and that the applicant may acquire a transfer only after 1 ½ years after he completed, 3 years of service at one Island. As a matter of right the applicant would ^{claim for} ~~get~~ a transfer at that point of time and submitted that the Original Application is too pre mature and the applicant has no cause of action.

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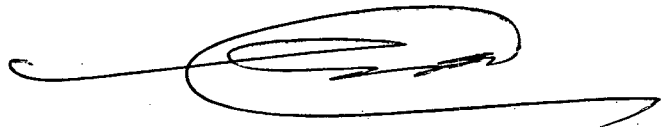


3. We have heard the learned counsel on both sides. On going through the evidence, we find that the applicant is not figuring in Annexure A-1 order and he has no subsisting right for challenging that order . The Original Application is pre mature as the cause may arise after some time. The applicant is at liberty to agitate his grievance at that point of time. Since the application is pre mature, the Original Application is dismissed at the admission stage itself. No order as to costs.

Dated, the 10th June, 2005.



N.RAMAKRISHNAN
ADMINISTRATIVE MEMEBR



K.V.SACHIDANANDAN
JUDICIAL MEMBER

VS