

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 407 of 1995

Thursday this the 23rd day of March, 1995.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C.N.Muhammed Koya, Primary School Teacher,
Government Lower Primary School,
Kalpeni, Cheriannellal, Kalpeni.
2. M.K.Kadeeshabi, W/o C.N.Muhammed Koya,
Primary School Teacher,
Govt. Lower Primary School, Kalpeni,
Mukrikakkada, Kalpeni.

... Applicants

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Administrator,
Union Territory of Lakshadweep,
Kavarathi.
2. The Director of Education,
Directorate of Education,
Kavarathi.
3. N.P.Kasim Koya, Education Officer,
Union Territory of Lakshadweep,
Kavarathi.

.... Respondents

(By Advocate Mr. M.V.S.Namboodiri for R.1&2)

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

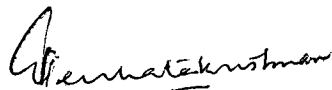
Applicants, husband and wife challenge A1 order transferring them from Kalpeni to Amini. They say that the third respondent who is the subordinate of second respondent is hostile to them as the first applicant had married second applicant, the former wife of third respondent. Applicants would submit that malafides on account of this triangular relationship has been instrumental to the order of transfer.

.....2

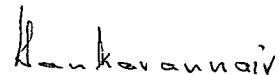
Though in a matter of transfer an official has no legal right, malafides if any, will vitiate an order of transfer. We find that applicants have made A3 and A3(a) representations before 1st respondent Administrator and the same are pending consideration. 1st respondent will examine the representations in depth with particular reference to the plea of malafides and take a decision as expeditiously as possible. Till such time operation of A1 to the extent it relates to applicants and their substitutes will be held in abeyance.

2. Application is disposed of with the afore-said directions. No costs.

Dated the 23rd day of March, 1995.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks233

List of Annexures

1. Annexure A-1:- True copy of the order F.No.6/1/94-Edn(1) dated 30.1.1995 issued by 2nd respondent to the applicants.
2. Annexure A-3:- True copy of the representation dated 15.3.1995 submitted by the 1st applicant to the 1st respondent.
3. Annexure A-3(a):- True copy of the representation dated 15.3.1995 submitted by the 2nd applicant to the 1st respondent.