
(2014) 04 KL CK 0026
In the High Court Of Kerala
Case No : OP (CAT). No. 86 of 2014 (Z)

A.R. Basheer

APPELLANT

Vs

The Administrator, Union Territory of Lakshadweep

RESPONDENT

Date of Decision : 07-04-2014

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2014) 04 KL CK 0026

Hon'ble Judges : T.B. Radhakrishnan, J;A. Muhamed Mustaque, J

Bench : Division Bench

Advocate : K. Mohanakannan, A.R. Pravitha, D.S.Thushara and H. Praveen (Kottarakara), Advocate for the Appellant; S. Radhakrishnan, SC, Lakshadweep ADMN, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—Read order dated 03.04.2014, wherein this Court had recorded the submission on behalf of the petitioner that he has not been relieved so far, while the learned standing counsel for the Union Territory of Lakshadweep had submitted that the petitioner stood relieved.

2. We have heard the learned counsel for the petitioner and the learned standing counsel for the U.T. of Lakshadweep, quite in extenso.

3. We record the submission on behalf of the petitioner that the post to which the petitioner has been transferred is a non-existing post and that the transfer has not been made by the competent authority. The learned standing counsel for the U.T. of Lakshadweep says that the transfer is ordered by the Administrator, U.T. of Lakshadweep. We record these submissions and take the view that there is no error of jurisdiction or illegality committed by the learned Central Administrative Tribunal in not granting any interlocutory order against the order of transfer within a small place called Kavaratti itself. We are sure that the transfer order cannot deprive the petitioner of emoluments, etc. We dissuade

ourselves from answering the technical issues raised, since those issues would still be open before the learned Tribunal. In view of the above, we see no ground to entertain this original petition in exercise of authority under Article 227 of the Constitution of India. Hence, this original petition is dismissed without prejudice to the proceedings before the Tribunal.