

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 42 OF 2010
O.A. NO. 43 OF 2010
&
O.A. NO. 44 OF 2010

Friday, this the 15th day of January, 2010

CORAM:

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

1. O.A. 42 OF 2010

Abdul Fatah B.M.
Constable (EXE)
PIS No.5101049
India Reserve Battalion
Agatti Island

... Applicant

(By Advocate Mr.P.K.Ibrahim)

versus

The Commandant
India Reserve Battalion
Head Quarter, Kavaratti

... Respondent

(By Advocate Mr.S.Radhakrishnan)

2. O.A. 43 OF 2010

Abdul Naseer M
Constable (EXE)
PIS No.5100011
India Reserve Battalion
Agatti Island

... Applicant

(By Advocate Mr.P.K.Ibrahim)

versus

The Commandant
India Reserve Battalion
Head Quarter, Kavaratti

... Respondent

(By Advocate Mr.S.Radhakrishnan)

3. O.A. 44 OF 2010

Shereef Khan M.P
Constable (EXE)

PIS No.5100269
India Reserve Battalion
Agatti Island

... Applicant

(By Advocate Mr.P.K.Ibrahim)

versus

The Commandant
India Reserve Battalion
Head Quarter, Kavaratti

... Respondent

(By Advocate Mr.S.Radhakrishnan)

The applications having been heard on 15.01.2010, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

As the issue involved in these three O.As is one and the same, all these O.As are dealt with in this common order. The applicants are serving as Constable in the India Reserve Battalion, Lakshadweep Daman and Diu and Dadra, Nagarhaveli. Their tenure of posting is such that they have to spend initially five years in other States and thereafter they may be considered for State posting. All the three applicants are married and they belong to Lakshadweep Islands. Their families are in the said Islands. These applicants have completed their out station tenure and have been recently posted to Lakshadweep Islands. Their request to the authorities is, as contained in Annexure A-1 of OA 42/10 and corresponding annexures of other OAs that they may be retained in the same Station where they are at present posted.

2. Counsel for applicant succinctly described the position relating to the applicants that they normally belong to a particular Battalion and generally the Battalion moves from one place to another. The Counsel has

clarified that at the discretion of the authorities concerned, individuals may be retained in the same station despite the move of the Battalion, since other Battalions will be landing while the present Battalion moves out. There are about 300 posts in India Reserve Battalion and it is stated that around 20 to 30 individuals alone are married with their families in Lakshadweep Island and as such it may not be difficult for the respondent to retain them in the Island.

3. Counsel for respondent, on instructions, narrated that the move is alongwith the Battalion as in the past. Orders have since been issued for the move, in the near future, of the present battalion. Earlier such a transfer was challenged before this tribunal but the Tribunal upheld the transfer.

4. Arguments were heard and documents perused. It is not exactly known whether the pay and allowances and other administrative aspects are based on Battalion-wise or common to all. If it is based on Battalions, then such a transfer might cause some problem for accounting purposes. If it is a combined one, perhaps, there might not be that much difficulty. However, it is a matter entirely to the respondents to consider keeping in view the service exigencies on the one hand and personal inconvenience of the individuals on the other. The discretion is fully with the authorities only.

5. The applicants have already preferred representations which have not so far been responded to by the respondent. It may be possible for the authorities to arrive at a conclusion in regard to pending representations in which case, if the authorities agree to the request of

the applicants, they may be retained; otherwise by a speaking order the individuals may be informed accordingly.

6. With the above suggestion, this OA is disposed of. It is expected that the authorities will give priority to consider the representations of the applicants before the Battalion moves. No costs.

Dated, the 15th January, 2010.

Dr.K.B.S.RAJAN
JUDICIAL MEMBER

VS