

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.464/2001.

Wednesday this the 30th day of May 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Rajesh Dewan,
Indian Police Service,
Deputy Inspector General of
Police (Training),
Police Training College,
Thycaud, Trivandrum.

Applicant

(By Advocate Shri Nandakumara Menon)

Vs.

1. State of Kerala, represented by the
Chief Secretary to Government,
Secretariat, Trivandrum.
2. The Home Secretary,
Government of Kerala,
Secretariat,
Trivandrum.
3. The Director General of Police,
Police Headquarters,
Vazhuthacaud,
Trivandrum.
4. Union of India, represented by
the Secretary to Government,
Ministry of Home Affairs,
New Delhi. Respondents

(By Advocate Shri C.A.Joy, G.P.(R.1-3)
(By Advocate Shri.M.R.Suresh, ACGSC (R-4)

The application having been heard on 30th May 2001
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant Shri Rajesh Dewan, a member of the Kerala Cadre of Indian Police Service (IPS for short) is aggrieved that the respondents are not following the provisions of Rule 8 & 9 of the IPS (Cadre) Rules 1954 while filling up of the posts

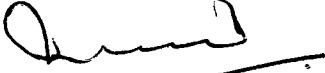
of Superintendent of Police in the Districts of Kerala and three posts of Commissioners of Police in the three cities. It is alleged in the application that according to the provisions of the IPS (Cadre) Rules cadre posts are required to be filled up by officers who belong to the cadre and filling up of the posts by State Police Officers can be justified only in the absence of cadre officers and that too for a specified term. With these allegations, the applicant has filed this application for a direction to the respondents to strictly follow the Rules 8 & 9 of IPS (Cadre) Rules 1954 in the matter of filling up of the cadre posts.

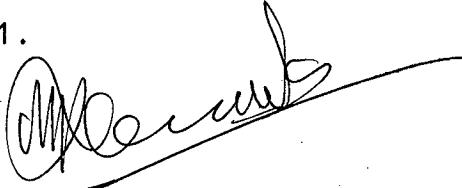
2. We have gone through the application and the relevant rules. We have heard Shri Nandakumara Menon, learned counsel appearing for the applicant, Shri CA Joy for R.1-3 and Shri M.R. Suresh for R-4. Scanning through the entire materials placed on record, we do not find any averment anywhere that the applicant is personally aggrieved by any action of the respondents. Thus, we find that the applicant is not an aggrieved person and therefore, his application cannot be entertained under Section 19(3) of the Administrative Tribunals' Act 1985. Shri Nandakumara Menon, learned counsel of the applicant stated that the Government is bound to follow the rules and when flouting of the rules continuously and consistently is brought to the notice of the Tribunal, the Tribunal has to exercise its jurisdiction. If the grievance of the applicant is that the Government is not following the rules

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though he is not personally aggrieved, his case, can be considered only as a public interest litigation. It has been held by the Apex Court that Central Administrative Tribunal, created under the Administrative Tribunals Act, is not a forum for public interest litigation and such litigation cannot be entertained by it. In the above circumstances, finding that the applicant has no legitimate grievance which calls for redressal, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 30th May 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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