

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.210/99

Monday, this the 23rd day of February, 1999.

CORAM:

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

HON'BLE MR R.K.AHOOJA, VICE CHAIRMAN

A.Shawal Kumar,  
S/o K Ayyappan,  
Junior Intelligence Officer, Grade.I(W.T),  
(J.I.O)(W.T), Subsidiary Intelligence Bureau,  
(MHA) Government of India,  
Kasaragod.

- Applicant

By Advocate Mr Raju K Mathew

Vs

1. The Director,  
Intelligence Bureau,  
Ministry of Home Affairs,  
New Delhi.
2. Union of India,  
represented by its Secretary,  
Ministry of Home Affairs,  
New Delhi.
3. Joint Director,  
Subsidiary Intelligence Bureau,  
Thycaud.P.O.  
Thiruvananthapuram-14.
4. Deputy Central Intelligence Officer,  
(MHA), Kasaragod-671 121. - Respondents

By Advocate Mr MR Suresh, ACGSC

The application having been heard on 23.2.99, the  
Tribunal on the same day delivered the following:

O R D E R

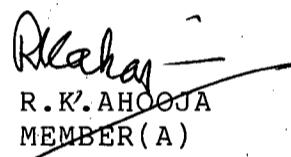
HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant who applied for the post of Junior Intelligence  
Officer Grade.I in the year 1980 and was selected at an interview  
was later told that he was not entitled to get the appointment as

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he did not possess the required educational qualifications. The applicant challenged that order in O.A.673/91. Pursuant to the order of the Tribunal in that case, by order A-1, the applicant was appointed as a temporary Assistant Sub Inspector(WT) re-designated as JIO(WT). In the said order Annexure A1 it was very clearly stated that soon after joining the applicant would be required to undergo training at the Faridabad training centre as and when called upon to do so and failure to pass the screening and final examination during or at the end of training would render his services liable for termination. Accepting the above order the applicant joined on 24.5.93. He was sent for W.T. training and thereafter given a posting at Aizwal. Finding that his pay was not refixed the applicant made a representation for getting his pay properly fixed. In response to this representation by letter dated 4.1.96 the applicant was told that the headquarters had informed that the applicant did not qualify at the training and that he should be directed to undergo W.T. training as and when he is recommended for the same. Applicant did not challenge this order. While so on 11.2.99 the impugned order at A-3 was issued nominating applicant for W.T. training at Faridabad which was to commence on 22.2.99. Pursuant to A-3 order, by A-5 dated 18.2.99 the applicant was relieved directing him to report for training at Faridabad on 22.2.99. The applicant has filed this application impugning these two orders on the ground that the applicant has suffered an injury to his ear drum, that it would be difficult for him to undergo the training at such a distant place as his wife is undergoing treatment and that therefore the impugned orders are liable to be set aside.

3. On a perusal of the application and on hearing learned counsel on either side, we do not find any infirmity with the impugned order even *prima facie* which calls for interference. Even by the terms of the order of his appointment, the applicant is obliged to undergo the W.T. training successfully. As he had failed to complete the training successfully, he has been informed by A-2 dated 4.1.96 that as and when his name is recommended, he should undergo the training. It is only for that purpose that the applicant was by the impugned orders nominated for the training and being relieved to join the training. The application therefore is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

  
R.K. AHOOJA  
MEMBER (A)

  
A.V. HARIDASAN  
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: A true copy of the order No.58/ESTT(G)/81 Apptt-168 dated Nil of the 1st respondent.
2. Annexure A2: A true copy of the order E36/94(2)-121 dated 4.1.96 of the Section Officer(E) Subsidiary Intelligence Bureau Aizawl.
3. Annexure A3: A true copy of the order No.I/PF(T)/98(56)1158-1160 dated 11.2.99 of the Assistant Director.
4. Annexure A5: A true copy of the order No.I/KSD/EST(2)/99-314-316 dated 18.2.99 of the 4th respondent.

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