

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No. 237/93

&

O.A.No. 277/93

DATE OF DECISION: 08-07-93

1. K.K.Kasnikoya (HCB No,94).
  2. C.G.Abdulla Koya (PC No.150)
  3. P.I.Hamza Koya (PC No.251)
  4. P.E.Jaffer (PC No.358)
  5. K.Attakoya (PC No.239)
  6. C.G.Hamza Koya (PC No.271)
  7. M.Abdul Hakkim (PC No.361)
  8. T.T.Mohammed Koya (PC No.245)
  9. M.K.Attakoya (PC No.317)
- Applicants in O.A.  
237/93

1. C.G.Kunhikoya .. Applicant in O.A.277/93

Mr. M.V.Thampan .. Advocate for applicants in  
both cases -

Versus

1. Superintendent of Police,  
U.T.of Lakhsadweep, Kavarathy.
  2. Administrator, U.T. of  
Lakshadweep, Kavarathy.
  3. V.Marimuthu, HCBNo.74
  4. P.Kunhikrishnan, PC 105.
  5. M.V.Pookoya, PC No.285
  6. K.Balachandran, PC No.176.
  7. B.Sayed Mohammed, PC No.184
  8. P.Aravindakshan, PC No.177,
  9. P.T.Ramachandran, PC No.165,
  10. T.V.Varghese, PC No.180,
  11. N.Pookunhi Koya, PC No.347. .. Respondents in  
O.A.237/93
1. The Superintendent of Police,  
U.T. of Lakshadweep, Kavarathy.
  2. Administrator, U.T. of Lakshadweep,  
Kavarathi.
  3. B.Sayed Mohammed, PC No.184. .. Respondents in  
O.A.277/93

Mr. MVS Namboodiri .. Advocate for respondents in  
both cases.

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THE HON'BLE MR.JUSTICE C. SANKARAN NAIR, VICE CHAIRMAN

JUDGMENT

The contentions in these two applications  
are alike, and so are the reliefs sought.

2. Applicants are members of Police Force and have challenged orders of transfer. According to them transfer was vindictive in character and was made at the instance of Shri P.M. Sayed, a Minister of the Union Government. Applicants state that attempts were made to move them out with indecent haste, as they were asked to leave their stations on the first conveyance available.

3. In answer, respondents would submit that transfers were ordered in public interest, that the Policemen in question were guilty of dereliction of duty and that as a matter of policy Policemen are to be transferred out from their native Islands. I do not propose to consider the matter on merits because, while making a plea of malafides, the person against whom malafides are alleged, namely, the Union Minister is not on the party array. Besides, in the light of the facts, at least in the first instance, the aggrieved officials must make a suitable representation before their superior officer, which in the instant case is the Administrator of the Union Territory of Lakshadweep. For the material purposes he holds the rank of an Inspector General of Police (See Annexure. R.1 in O.A.237/93). Applicants may move the Administrator within two weeks from today and the Administrator shall take a decision in the matter as expeditiously as possible. Status quo as of today will be maintained in the meanwhile.

4. These cases reveal that much of what is expected in a good Police regime, is absent. If the

allegations on either side are true, there is neither discipline, nor character in the force, and it is used for ends not justified. I hasten to add that I am not expressing an opinion on the correctness or otherwise of these allegations and counter allegations. But one is reminded of Hamlet, -it is said there is something rotten in the State of Denmark. It is not usual that such serious allegations are made by a member of the uniformed force, against a Minister. Again, in the ordinary course one does not expect the state of affairs detailed in the reply statement. It is said that Policemen are steeped in politics and misdemeanours. Uniformed forces must maintain discipline at all seasons and at all times. They must maintain impartiality. They must be kept immune, from political process and influence. It is sound statesmanship in the long run, not to politicise the Police force, and not to allow them to politicise themselves. Police must stay within its sphere and must act as an independent body charged with enforcement of law and order, without seeking or finding any other identity. I make these observations because the material reveals that much is left to be desired, as already noticed. The Administrator shall pass appropriate orders in the matter, guiding himself by sound principles of administration which, have stood the test of time.

5. Applications are disposed of. No costs.

Hankavennair  
C. SANKARAN NAIR (J)  
VICE CHAIRMAN

Dated 8th day of July, 1993.

LIST OF ANNEXURES

1. Annexure.R.1 .. A true copy of the  
Circular F.No.1/6/86-Service  
(CC) dated 29.5.91.