

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.254/2011

Dated this the 20th day of January, 2012

C O R A M

HON'BLE Mrs.K. NOORJEHAN, ADMINISTRATIVE MEMBER

M.P.Akbar, S/o T.Subair, Head Constable-B.No.321,
Chetalath Police Station, Chetalath, R/o Malayampuram,
Kiltan Island, U.T.Lakshadweep.

Applicant

By Advocate Mr B.Harish Kumar

Vs

- 1 The Administrator, Union Territory of
Lakshadweep, Kavaratti-682555.
- 2 The Superintendent of Police, Union Territory
of Lakshadweep, Kavaratti - 682555.

Respondents

By Advocate Mr. S. Radhakrishnan.

The Application having been heard on 17.1.2012 the Tribunal delivered the following:

O R D E R

HON'BLE Mrs.K.NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the non-consideration of the request for his transfer to main land to avail medical treatment to his wife and higher education for his children.

- 2 The applicant, Head Constable, working under the 2nd respondent had submitted his request for transfer to Kochi for treatment of his wife and higher education for his children. He is a resident of Kiltan Island. He joined as Police Constable on 15.8.84. On 29.8.95, he submitted an application for

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special duty at Cochin as Driver. By order dated 28.10.95 he was posted for 3 months special duty at SB unit Cochin as Police Constable Driver. While so on 28.5.96 he was transferred to Kiltan for driving vehicle. Thereafter the applicant was transferred to Kavaratti during the year 1997. On 25.2.2005 he requested for a transfer to main land for treatment of his wife who is suffering from Asthma. Thereafter on 6.2.2006 he again submitted a request for transfer to main land for treatment of his wife and higher education to his children but no heed was paid to his request. He was posted as Police Constable Special Branch at SB (HQ), Kavaratti on 29.9.2006. He sent one more request for transfer either to Calicut or Cochin on 28.1.09 that too was not considered. Again he was transferred to Chetlath 18.3.2010. He submitted another request for transfer to Kochi or Kavaratti. By another representation dated 7.6.2010 he repeated his request but nothing transpired. On 28.7.2010 he was promoted as Head Constable and posted at Chetlath Island itself. Again on 8.2.2011 he requested for a posting to main land on humanitarian ground which is pending. He avers that his wife requires speciality check-up and treatment in main land. Moreover his children are studying in plus two courses in Chetalath Island and no College is available in Lakshadweep Island for higher studies. He further averred that as per the transfer policy laid down by the respondents, those who have completed 2 years in other islands namely Chetlath, Minicoy and Kiltan, shall be transferred to other places on the basis of seniority. He further avers that two persons viz Sh Anilkumar and Sh.S.Babu are continuing at Kochi for about 10 years. Moreover one K.Babu, Head Constable has completed 3 years of service is continuing in the main land. Therefore, non-consideration of his request for transfer to main land is arbitrary and discriminatory.

3 The respondents contested the O.A by filing reply. It is submitted that due to administrative reasons his request for transfer to main land could not be considered. It is also stated that the respondent has two

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Special Branch Units in the main land at Kochi and Beypore, Calicut. Generally Constables from main land and Island are posted in the SB Units based on their experience with main land conditions, knowledge of the places and various parts of main land and the personnel having experience in the field of intelligence collection are considered for posting. The applicant, a Band Constable has undergone some in-service training. He is yet to acquire the requisite experience in the field of Special Branch activities and has not been found suitable for posting at main land SB Units. The sanctioned strength of these Units are as under:

SB Unit	Sub Inspector	HC	PC
Kochi	1	2	5
Calicut	-	2	3

The staff for SB Unit is normally posted on rotation basis as per seniority and suitability for SB work. Technical personnel having knowledge of driving, computers and good at liaison work are preferred at Kochi. The applicant was posted on Special duty at Kochi. However further posting was not considered as he was not found suitable. Moreover he was reported to be disobedient and irregular in performing duties assigned to him. There are similar requests for transfer to main land from many other personnel and the department is not in a position to consider all these requests on personnel grounds due to administrative reasons and shortage of post. The transfer policy further states that officials may be kept for a longer period in any of the islands in public interest. It further states that police personnel should exhaust all means of redressal before approaching the Tribunal. As regards the Constables Anil Kumar and Babu are concerned, their services are indispensable at Kochi in view of the nature of work they are performing at the Unit. Moreover no junior to the applicant has been posted at the units overlooking his seniority for posting. Therefore, no transfer policy guidelines have been violated.

4 Rejoinder has been filed by the applicant reiterating the facts as

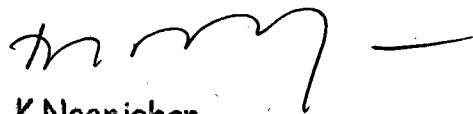
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stated in the reply.

5 Heard the learned counsel for the parties and perused the record.

6 The scope of judicial review in the realm of transfer is negligible. Various judgments of the Apex Court uphold the view point that the wheels of administration should be allowed to run without shackles to achieve the object of excellence in administration. Therefore, I do not find any need to interfere on behalf of the applicant, as no injustice has been done to him. None of his juniors has been posted to main land in preference to him. His aptitude and suitability for the specialised job of intelligence collection was found wanting, when he was given a short stint of duty at Kochi for three months. Moreover the number of posts of Head Constables in the main land is limited. There are only two each at Kochi and Calicut. As far as his requirement for medical treatment for his wife and higher education for his children are concerned, there are many government servants who are similarly placed like him in the islands. In view of the foregoing, the O.A lacks merit. It is accordingly dismissed. No costs.

Dated 20th January 2012



K.Noorjehan
Administrative Member.

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