

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. No. 287 OF 2007

Monday this the 30th day of April, 2007

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

C.V.Gopi

Quarter No.2, Type 4, G C
CRPF, Pallipuram

: Applicant

(By Advocate Ms.Kavitha Gangadharan)

Versus

1. Union of India represented by the Secretary
to Government of India
Ministry Home Affairs,
New Delhi
2. Director General of Police,
Directorate General,
Central Reserve Police Force
CGO Complex, Lodhi Road
New Delhi
3. Deputy Inspector General of Police (Personnel)
Directorate General, Central Reserve Police Force
CGO Complex, Lodhi Road,
New Delhi
4. Inspector General of Police, Southern Sector
Central Reserve Police Force
Hyderabad, Andhra Pradesh
5. Deputy Inspector General of Police,
Central Reserve Police Force
Group Centre, CRPF, Pallipuram
Trivandrum
6. Additional Deputy Inspector General of Police
Central Reserve Police Force
Group Centre, Pallipuram
Trivandrum : Respondents

(By Advocate Mr. George Joseph, ACGSC)

The application having been heard on 30.04.2007, the
Tribunal on the same day delivered the following :

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ORDER

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is a non-combatised personnel presently working as Administrative Officer in Group Centre, Pallipuram of Central Reserve Police Force. The applicant is aggrieved by Annexure A- 2 order dated 30.03.2007 and Annexure A-6 order dated 12.04.2007. Vide the said order dated 30.03.2007, as Summer Chain Transfer 2007, the applicant alongwith nine others were allotted to different sectors/offices. The applicant has been allotted to Northern Sector (NS). By the Annexure A-6 order dated 12.04.2007 the applicant was transferred from GC PPM, Trivandrum to Northern Sector (NS).

2. On receipt of Annexure A-2 order dated 30.03.2007 itself, the applicant made the Annexure A-3 representation dated 02.04.2007 to the 2nd respondent, namely, the Director General of Police, Directorate General, Central Reserve Police Force, New Delhi for his retention at GC CRPF, Pallipuram on the following grounds t

- i. His daughter, aged 13 years is suffering from "Spastic Cerebral Palsy with mental retardation" and totally incapacitated needing whole time attention and assistance.
- ii. His ailing mother is bedridden and staying with him for treatment.
- iii. His son is doing final year B.Sc under Kerala University at Government Arts College, Trivandrum.
- iv. His normal tenure of 4 years is yet to be completed.

The aforesaid representation of the applicant was duly forwarded by the concerned authorities (R-4 & R-5) on 02.04.2007. According to the Standing Order No.05/2003 which deals with the transfer policy

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of the ministerial staff (Annexure A-1) filed by the applicant, the normal tenure of posting of all combatised and non-combatised in the Director General, CRPF located in areas other than North Eastern region and Jammu and Kashmir shall be four years. According to the applicant, he was posted to the said post on 14.08.2003 and the tenure of four years will be over only by 13.07.2007. During this period, he had also served in Jammu & Kashmir from 09.08.2004 to 01.12.2004 on sending him there on attachment services thereby extending his tenure upto 31.12.2007

3. I have heard Ms .Kavitha Gangadharan, Advocate on behalf of the applicant and Mr. George Joseph, Advocate on behalf of the respondents. The transfer policy, gives the competent transferring authority the right to transfer the person at any time irrespective of tenure on administrative grounds/public interest. But the impugned orders do not speak of any administrative grounds or public interest in transferring the applicant without adhering to the guidelines contained in the Annexure A-1 Standing Order. As per the provision contained in the transfer guidelines for enabling the applicant to make a representation against a transfer within three days and the respondents to dispose of the same within twenty days from the date of issue of the transfer orders, the applicant has already made the Annexure A-3 representation within the prescribed time limit against his transfer and the same was duly forwarded to the competent authority by his immediate officers. In fact, the DIGP, CRPF, Pallipuram vide Annexure A-4 letter dated 02.04.2007 while forwarding his representation has stated that the problems projected by the applicant are genuine and need consideration.

4. In the above facts and circumstances, I am of the considered view that the present OA can be disposed of at the admission stage itself by directing the 2nd respondent to consider and dispose of the aforesaid Annexure A-3 representation duly forwarded by the 5th respondent, if it has not been already done. It goes without saying that the 2nd respondent shall consider the aforesaid representation according to the transfer policy and dispose of the same as early as possible giving details regarding the administrative grounds or public interest involved in the matter which compelled the respondents from deviating from the general principles of transfer policy. Till such time, the applicant is permitted to remain at his last place of posting at GC PPM, Trivandrum.

5.. The OA is disposed of in the aforesaid terms. There shall be no order as to costs.

Dated, the 30th April, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER

vs