

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO.399 of 2000.

Monday this the 17th day of April 2000.

CORAM:

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

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.C. Balakrishnan Nair,
Circle Inspector of Police,
Minicoy, Lakshadweep. Applicant
(By Advocate Shri. M.R. Rajendran Nair)

Vs.

1. Union of India represented
by the Secretary to Government
of India, Ministry of Home Affairs,
New Delhi.

2. The Administrator,
Union Territory of Lakshadweep,
Kavarathi.

3. The Superintendent of Police,
Union Territory of Lakshadweep. Respondents

(By Advocate Shri. P.R. Ramachandra Menon, ACGSC(rep)).

(The application having been heard on 17th April 2000
the Tribunal on the same day delivered the following:

O R D E R

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

This application is directed against the A1 order dated 1.4.98 of the 2nd respondent by which the post of Inspector of Police in the scale of Rs. 6500 - 10500 is shifted from Minicoy to Chetlat Island with immediate effect purported to be in the exigencies of service and the A2 order dated 2.4.2000 by which the applicant who was working as Circle Inspector of Police, Minicoy has been transferred and posted as Inspector of Police at Chetlat with immediate effect.

...2/-

2. The applicant is aggrieved by these two orders because he has taken over charge as Circle Inspector of Police, Minicoy only in January 1999. The applicant has said that there is no administrative exigency and that a representation submitted by him has not been disposed of.

2. The applicant has filed this application for setting aside the impugned orders A1 and A2 and alternatively to direct the respondents to consider A3 representation keeping the operation of A1 and A2 in abeyance.

3. We have perused the application and the annexures appended thereto and have also heard Shri M.R. Rajendran Nair for applicant and Shri P.R. Ramachandra Menon, who takes notice for respondents.

4. A2 order of posting of the applicant as Circle Inspector of Police, Chetlat is a direct consequence of the shifting of the office of the Circle Inspector of Police from Minicoy to Chetlat. If the A1 order by which the office of the Circle Inspector of Police has been shifted from Minicoy to Chetlat can be sustained, then the respondents have no option but to post the applicant there because there would not be any office of the Circle Inspector of Police at Minicoy where the applicant can be retained. The question therefore, is whether A1 can be sustained. The order itself clearly states that it is in the exigencies of service. There is no allegation that the impugned order A1 has been issued to see that the applicant is shifted on account of any hostile animus in the mind of the competent authority. Apparently, we do not find any colourable exercise of power in this order. Whether the service of the Circle Inspector of Police is more required

at Chetlat or Minicoy can be determined by the competent authority in the department, taking into consideration the comparative need in both these Islands. The Administration having taken the decision and as we are not able to find any colourable exercise of power we have no reason to entertain the challenge against A1 order.

5. In the light of what is stated above, we do not find any legitimate grievance of the applicant which is required to be adjudicated by the Tribunal. As far as the question of consideration of the representation is concerned it is upto the competent authority to give an appropriate reply to the representation.

6. As we do not find any reason to entertain this application, the same is rejected under Section 19(3) of Administrative Tribunals' Act, 1985.

Dated the 17th April 2000.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in the order:

Annexure A1: True copy of the Order F.No. 1/7Rs92-ESTT(POL), dated 1.4.2000 issued by the 2nd respondent.

Annexure A2: True copy of the Order F.No. 1/7/92-ESTT(POL), dated 2.4.2000 issued by the 3rd respondent.