

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

92

O.A.No. 897 of 1994

Between:

Ajit Joy .. Applicant

and

The Union of India and others .. Respondents

ADDITIONAL AFFIDAVIT FILED BY MR. AJIT JOY THE APPLICANT HEREIN

I, Ajit Joy, IPS., S/o.Wg.Cdr.K.M.Joy(Retd), aged about 27 years, working as Superintendent of Police(Crime Branch C.I.D)Trivendrum, Kerala State, now at Hyderabad, do hereby solemnly affirm and state as follows:

1. I state that I am the applicant in the above O.A., and as such I am well acquainted with the facts of the case.

2. I state that I filed the above O.A., questioning the proceedings of the 1st respondent and the consequential order allotting me to the cadre of the state of Bihar instead of my home-state ie., Kerala and consequently sought for a direction to allot me to my home-state.

3. I state that pending the above O.A., I sought for and obtained an interim order allowing me to undergo District Practical Training in the Kerala State as a part of the IPS course. I state that after completion of eight months' training in the state of Kerala, I reported to the Sardar Vallabhai Patel National Police Academy, Hyderabad, on 2-8-1995. After completion of second phase of training, a Movement Order in No.11011/15/95-Trg-IPS(P)46 Phase-II, dt.19-10-1995 was issued directing me to report to the State of Kerala. My name is shown

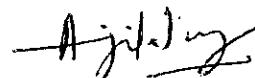
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Attestor:


DEPONENT

against serial No.12 in the aforesaid Movement Order. I state that the Government of Kerala issued orders in G.O.(Rt)No.12000/95/MGAD, dt.30-12-1995 of the General Administration (Special D)Department, after completion of my Practical Training, posting me as Assistant Superintendent of Police, Thalassery vice Shri Ravada A.Chandrasekhar, IPS., transferred, and I ~~was~~ assumed charge of the post of Asst. Superintendent of Police, Thalassery on 3-1-1996. I state that I had also appeared for the departmental examination for the Junior Members of the IPS., held in the month of March, 1995 conducted by the Kerala Public Service Commission and I was declared to have passed in the aforesaid departmental examination vide Notification No. DE.III(1)/2/95/EW, dt.20-5-1995.

4. I state that while working as Assistant Superintendent of Police and as Superintendent of Police, I had investigated and charged a number of cases coming to a total of approximately 25. When these cases come up for trial in the courts, I will be required to attend the courts for examination of the witnesses. I state that I had undergone District Practical Training in the state of Kerala in Malayalam language and even during my posting as an Assistant Superintendent of Police and Superintendent of Police, I continued to carry-out administration and police work in Malayalam language. In view of these facts, I may be treated to have been allocated to the state of Kerala. In the identical circumstances in the cases reported in (1994)6 SCC 38, particularly in the case of Rajiv Yadav; Anil Kumar, IPS Officer; and Anju Gupta, IPS., the Supreme Court had treated the aforesaid three officers to have been

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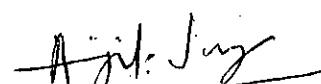
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allocated to the state of Union Territory cadre, Uttar Pradesh cadre, and again Uttar Pradesh cadre respectively on the ground that they had undergone District Training in Hindi language. Since I had undergone District Training in Malayalam language and served for more than two years in the cadre of Asst. Superintendent of Police and on promotion as Superintendent of Police in the state of Kerala, I may be treated to have been allocated to the State of Kerala.

5. I further state that if I am, at this point of time, asked to go to the state of Bihar to which state I was originally allocated, it will entail great hardship and the balance of convenience and equity requires that I should be treated as having been allocated to the state of Kerala.

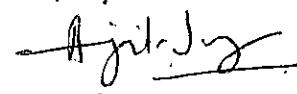
6. Further I pray that this Hon'ble Tribunal may be pleased to treat me to have been allocated to the state of Kerala.

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Attestor:


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VERIFICATION

I, Ajit Joy, IPS., S/o. Wg.Cdr.K.M.Joy(Rtd) aged about 27 years, working as Superintendent of Police(Crime Branch CID) Trivendrum, do hereby declare that what is stated above in paras-1 to 6 is true and correct to the best of my knowledge and belief and hence verified on this the 3rd day of Feb. 1997 at Hyderabad.


DEPONENT

Hyderabad
Date: 3-2-1997

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HYDERABAD BENCH AT HYDERABAD.

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Vs.

The Union of India
and others .. Respondents

ADDITIONAL AFFIDAVIT FILED BY THE
APPLICANT HEREIN.

*Rao
29/1/97
R.N.R.Dony*

M/s.Y.Suryanarayana
P.Naveen Rao
P.N.Sanghi; &
Y.N.Lakshmi

COUNSEL FOR APPLICANT