

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-1919/2019

New Delhi, this the 28th day of February, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

Ms. Longanayagi Divya V(on leave)
Presently posted as Addl. SP SIG in CIF
w/o Sh. Rahul P.R.
aged 31 years
R/o Counter Insurgency Force
307, Garia Main Road, Kolkata-700084. ... Applicant

(through Sh. A.K. Behera)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block, New Delhi-110001.
2. State of West Bengal
Through its Chief Secretary
Nabanna, Howrah-711101.
3. State of Odisha
Through its Chief Secretary
Odisha Secretariat, Bhubaneswar. ... Respondents

(through Sh. A.K. Singh for R. No. 1, Sh. Raja Chatterjee with Sh. Adeel Ahmed for R. No. 2 and Ms. Sanya Chatterjee for Sh. Arunav Patnaik for R. No. 3)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

The applicant is an IPS officer of 2013 batch and she was allotted to West Bengal cadre. On a representation submitted by her, stating that she married an IPS officer of Orissa cadre, the Government of India, Ministry of Home Affairs, notification dated 12.09.2017, changed the cadre of the applicant from West Bengal to Orissa. The grievance of the applicant is that, though more than two years have elapsed ever since the cadre change was notified, she is not being relieved and thereby the very purpose of seeking the change of cadre is being defeated.

2. The Union of India - respondent no. 1 herein, filed a counter affidavit stating that the facts borne out by the record, are not disputed. Respondent no. 2, the State of West Bengal, did not file any counter affidavit. Respondent no. 3, the State of Orissa, did not raise any objection for the prayer of the applicant.

3. We heard Sh. A.K. Behera, learned counsel for the applicant, Sh. A.K. Singh for R. No. 1, Sh. Raja Chatterjee with Sh. Adeel Ahmed for R. No. 2 and Ms. Sanya Chatterjee for Sh. Arunav Patnaik for R. No. 3.

4. There is not much controversy in this OA. The request made by the applicant for change of cadre was considered and it was only on

the concurrence of Respondent Nos. 2 and 3, that the notification dated 12.09.2017 was issued. It reads as under

“In exercise of the powers conferred under Sub-rule (2) of Rule 5 of Indian Police Service (Cadre) Rules-1954, and with the concurrence of the Government of West Bengal and the Government of Odisha, the Central Government hereby transfers Ms. Loganayagi Divya V. IPS (WB:2013) from West Bengal to the IPS Cadre of Odisha on the grounds of her marriage with Shri Rahul P.R. IPS (OD: 2013).”

5. A specific observation was made to the effect that, the Chief Secretary of the State of West Bengal shall ensure that the applicant is relieved from duty with immediate effect. For one reason or the other, the second respondent did not relieve the applicant so far. Whatever may be the problems faced by the second respondent, refusal to relieve the applicant, even after two years from the date of notification cannot be countenanced at all.

6. We, therefore, dispose of the OA directing the second respondent to relieve the applicant within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/