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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1905/2001

New Delhi this the 1st day of August, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI S.A.T.RIZVI, MEMBER (A)

V.S.Yadav S/O Shri Chand,
Superintendent of Police,
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi-110003;
R/O A-153, Pandara Road,
New Delhi-110003.

... Applicant

(By Shri R.M.Tewari, Advocate)

-versus-


1. Union of India through
Secretary, Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi-110001.
2. Secretary,
Government of India,
Ministry of Personnel, Public
Grievances & Pension
(Department of Personnel & Training),
North Bloc, New Delhi.
3. Secretary,
Government of Tripura
(Appointment & Services Department),
Agartala (Tripura).
4. Director,
Central Bureau of Investigation,
CGO Complex, Lodhi Road,
New Delhi-110003.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

Applicant is an officer of the Indian Police Service of 1987 batch belonging to Manipur-Tripura Cadre (Tripura Part). He served there till 1994 whereafter he was sent on deputation to the Central Bureau of Investigation (CBI), New Delhi with effect from August, 1994.



2. Applicant has been suffering from intense dry and irritating cough during winter season which later on led to asthma, respiratory obstruction etc. He is thus a patient of 'nasobronchial allergy'. He is, therefore, advised to remain out of humid climate and to stay in dry climate. In view of his ailment, applicant has been making applications for change of his cadre from Manipur-Tripura cadre to any other cadre of a State with dry climate. An earlier application in that behalf has been rejected by the Ministry of Home Affairs by an office memorandum of 23.8.1999 at page 32A. Applicant is now due for repatriation to the Manipur-Tripura cadre w.e.f. 3.8.2001. Applicant has made yet another application for the very same purpose, namely, change of cadre by his application of 8.2.2001 at page 56. The same has been forwarded by the Government of Tripura with ~~their~~ ^{its} recommendations vide communication of 16.3.2001 at page 62. Aforesaid Government has also accorded its no objection for change of cadre vide ~~their~~ ^{its} communication of 13.8.1998 at page 45. No decision on the aforesaid application of the applicant of 8.2.2001 has so far been taken by the respondents.

3. Applicant in the instant case has made reference to a policy decision of the Government in regard to inter-cadre transfers of All India Services officers which inter alia provides as under :

"A) INTER-CADRE TRANSFERS OF ALL INDIA SERVICES OFFICERS :

The present guidelines may be revised as follows :

Inter-cadre transfers will continue to be permitted only for members of All India

Service Officers on marriage to another member of an All India Service.

Cadre transfers shall not be permitted to All India Service Officers on marriage to an officer serving in a Central Service/State Service/Public Sector Undertaking/any other organisation.

Generally no cadre transfer should be permitted on medical grounds/personal reasons. However, for extreme hardship cases, the following criteria shall be applied before considering and deciding on the request for cadre change :

- (i) the nature of the problem(s) to be assessed by Govt. of India in each case, on merits; and
- (ii) the problem should be of such a nature that inter-cadre deputation will not solve the officer's problems.

All requests for inter-cadre transfers will be approved by the Minister-in-charge i.e. MOS(PP) in the case of IAS officers, Home Minister in the case of IPS officers and Minister of Environment & Forest in the case of IFS officers, in the first instance. Thereafter all such requests for inter-cadre transfer shall be processed and submitted for the orders of the Appointments Committee of the Cabinet."

Applicant has also cited instances of 17 officers who have been accorded cadre transfers on medical and compassionate grounds which are as follows :

S.N.	Name of the Officer	<u>CADRE TRANSFERRED</u>		GROUNDS
		From	To	
1.	Sh.G.S.Malli, IPS(RR-74)	T.Nadu	Haryana	Medical
2.	Sh.Desh Raj Meena IPS (RR-77)	Orissa	M.P.	Medical
3.	Sh.N.P.S.Aulakh IPS (RR-96)	Manipur- Tripura	Mahar- ashtra	Medical
4.	Sh.S.B.K.Dey, IPS (RR-73)	W.Bengal	Assam- Meghalaya	Medical
5.	Dr.D.T.Naik, IPS (RR-79)	J&K	Andhra P.	Medical
6.	Sh.H.C.Meena, IPS (RR-76)	W.Bengal	Rajasthan	Medical
7.	Sh.M.S.Raju, IPS (RR-62)	Gujarat	Andhra P.	Medical
8.	Sh.Sunil Porwal, IAS (RR-83)	Bihar	Maharas- htra	Medical
9.	Sh.R.N.Gupta, IAS (RR-74)	W.Bengal	Punjab	Compass- ionate

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10.	Smt. Anita Bhatnagar			
	IAS (RR-85)	Gujarat	U.P.	-do-
11.	Sh. S.A. Tagade,		Maharas-	
	IAS (RR-91)	Kerala	htra	-do-
12.	Sh. S.K. Srivastava			
	IAS (RR-80)	Manipur-	AGMUT	Medical
		Tripura		
13.	Smt. I. Rani			
	Kumudini, IAS	J&K	Andhra P.	Medical
	(RR-88)			
14.	Ms. Maiitreyi Das		Maharas-	Compass-
	IAS (RR-86)		htra	ionate
15.	Sh. R.K. Sahay,	Manipur-	Maharas-	
	IPS (RR-86)	Tripura	htra	Medical
16.	Sh. S.H. Dhillon	Manipur-		
	IPS (RR-85)	Tripura	Punjab	Medical
17.	Sh. Narinder Sharma			
	IPS (RR-84)	Manipur-		
		Tripura	Punjab	Medical"

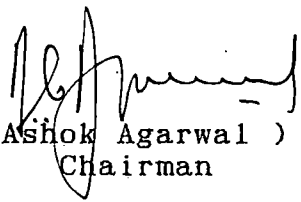
4. Since no decision on the aforesaid application of applicant of 8.2.2001 has so far been taken, we find that interest of justice will be duly met by disposing of the present OA at this stage itself even without issue of notices with a direction to the respondents to take an expeditious decision on the aforesaid application of 8.2.2001 and communicate the same to the applicant by passing a reasoned and speaking order. We direct accordingly.

5. Since applicant is being repatriated to his parent cadre of Manipur-Tripura (Tripura Part) w.e.f. 3.8.2001, we direct that in case applicant applies for leave, the same may be considered sympathetically so as to ~~enable~~ ^{enable} ~~permit~~ him to continue in Delhi till a final decision on his application is taken.

6. The OA is disposed of in the aforesaid terms.

Issue Dasti.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman