

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No. 825/2000

New Delhi this the 11th day of May, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Subhash Chander Sharma
7575, Old Ice Factory, Gali No.1,
Ram Nagar, New Delhi-55

.. Applicant

(By Advocate Shri D.S. Garg)

versus

Union of India through

1. The Secretary,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-3
2. The Chairman,
Staff Selection Commission,
Block No.12, CGO Complex,
Lodhi Road, New Delhi-3
3. The Secretary to GOI,
Department of Personnel & Training,
Ministry of Home Affairs,
New Delhi.

.. Respondents

Q R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Heard.

2. Issue notice to the respondents, returnable in four weeks. Two weeks thereafter for rejoinder.
3. List on 7.7.2000 before the JR for completion of pleadings.
4. Learned counsel also presses for an interim order to stay the operation of the impugned transfer order dated 2.5.2000. He has drawn my attention to the order of the Apex Court dated 25.4.2000 in which it has been clearly stated that the employer is free to give him any posting where he would not be allowed to handle with the papers similar to which he is facing the criminal proceedings. He submits that the criminal proceedings pending against the applicant are at New Delhi before the competent criminal Court. As per the impugned transfer order dated 2-5-2000, the applicant has been transferred as Data/Operator Grade 'A'

Entry

from SSC(Hqrs) New Delhi to their office at Calcutta. He further submits that the aforesaid order of the Apex Court only means that the applicant could be posted in the Sections of the SSC Office in New Delhi, which does not involve transfer to any further place/posting. I do not agree with this submissions of the learned counsel. (3)

5. In view of the clear directions of the Hon'ble Supreme Court in the aforesaid order pertaining to the applicant, the plea of the learned counsel for the applicant for an ad interim order to stay the posting/transfer order of the applicant is rejected. At this stage, Shri D.S. Garg, learned counsel seeks permission to withdraw the OA. Accordingly O.A. is dismissed as withdrawn. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

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