

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
* * * *

O.A. NO. 1182/1988

DATE OF DECISION : 12.12.1991

SHRI PURUSHOTTAM DASS

...APPLICANT

VS.

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM

SHRI A.V. HARIDASAN, HON'BLE MEMBER (J)

FOR THE APPLICANT

...SHRI SHANKAR RAJU

FOR THE RESPONDENTS

...SHRI T.S. KAPOOR

1. Whether Reporters of local papers may be allowed to see the Judgement? ~
2. To be referred to the Reporters or not? ~

JUDGEMENT

(DELIVERED BY SHRI A.V. HARIDASAN, HON'BLE MEMBER (J))

In this application, the applicant, an Assistant Commissioner of Police has impugned the order dt. 18.5.1988 issued by the Commissioner of Police, Delhi transferring him to Andaman and Nicobar Islands. It has been averred in the application that the impugned order of transfer was brought about by collusion between respondents No.2 and 3, who had some hostile feelings against the applicant as he did not agree to favour an accused in a criminal case in

whom they were interested. The applicant has prayed not only that the impugned order of transfer should be cancelled, but he has also inter-alia prayed that the respondent No.1 should be directed to make out a policy in regard to transfer of officers of DANI Police Service from one place to another.

2. The application has been resisted by the respondents. The second respondent has filed a reply affidavit. When the application came up for final hearing before me, the learned counsel on either side submitted that the applicant had joined at Andaman and Nicobar Islands in obedience to the impugned order and that now he has been retransferred to Delhi. Therefore, the grievance of the applicant arising from the impugned order does not survive now. But the learned counsel, ^{for the respondents} submitted that since there is no guideline in regard to transfers of officers of DANI Police Service from one place to another, the prayer No.4 still survives and that it is necessary to issue suitable direction to respondent No.1 to formulate reasonable guidelines in this regard.

3. Having heard the counsel on either side and finding that the personal grievance of the applicant does not survive, I am of the view that it is only proper to leave the administration to decide about the guidelines in regard

12

to transfer of officers of DANI Police Service from one place to another. From the reply-affidavit, it is not seen as to whether any such guideline exists or not. But as the DANI Police Service has been in existence for quite some time, it is improbable that there are no instructions or guidelines in regard to the method of transfer of officials. In thisview of the matter, I am of the view that it is not necessary to issue any direction in this regard. As the application in respect of the principle reliefs affecting the applicant has become infructuous, I dismiss the application. But I would like to impress upon the first respondent the necessity of formulating some just and reasonable guidelines to be followed in regard to transfers of officers of DANI Police Service to distant places like Andaman and Nicobar, if no such guideline is already in existence. There is no order as to costs.


12/12/91
(A.V. HARIDASAN)
MEMBER (J)