

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. OA 1776/90
T.A. No.

199

DATE OF DECISION 30.03.1992

<u>Shri Krishan Kant</u>	Petitioner
<u>Shri K.K. Sharma</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri N.S. Mehta, Sr. Counsel</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. K. KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. A. B. GORTHI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGMENT (ORAL)

We have heard the learned counsel of both parties. The grievance of the applicant who belongs to the Indian Revenue Service (Excise and Customs) is that, the respondents had sought to transfer him from his posting as Counsellor (Trade) in the Indian High Commission at London to his parent department by the impugned orders dated 3.8.1990 and 8.8.1990. The application was filed in the Tribunal on 29.08.90. On 4.9.1990, an interim order was passed directing the respondents to maintain status quo as regards the continuance of the applicant in his present post in the Indian High Commission at London. The interim

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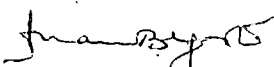
order has been continued thereafter till the case was finally heard today.

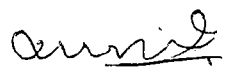
2. The admitted factual position is that the tenure of posting of the applicant is for a period of 3 years and that will expire on 14.5.1992. The learned counsel of the applicant stated that the applicant would return to India after completing his period of posting. The learned counsel of the respondents also stated that the applicant will not be disturbed till he completes his tenure of posting till 14.05.1992. In view of this, we do not consider it necessary or appropriate to go into the various contentions raised in the pleadings on the file.

3. The application is disposed of with the direction to the respondents to pass a fresh order in supersession of all the existing orders regarding transfer of the applicant from his present posting in London to his parent department. The order should be on the same lines as ^{of} officers deputed to the Indian High Commission ^{who} are to be repatriated to their parent department. The normal time given for winding up the establishment for an officer of similar rank and status at London and also other terms and conditions allowed to an officer in a similar situation deputed to an Indian Mission abroad, should be extended to the applicant.

There will be no order as to costs.

Let a copy of this order be given to both parties immediately.


(A.B. GORTHI)
MEMBER (A)
30.03.1992


(P.K. KARTHA)
VICE CHAIRMAN (J)
30.03.1992