

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

C.P. No.283 OF 2004  
IN  
O.A. No.1459 OF 2004

New Delhi, this the 11<sup>th</sup> day of October, 2004

**HON'BLE SHRI V.K. MAJOTRA, VICE CHAIRMAN (A)**  
**HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

Shri M.P. Sharma  
Deputy Superintendent of Police,  
Central Bureau of Investigation,  
Special Investigation Cell-II,  
C-I Hutments, Dalhousie Road,  
New Delhi.

.....Applicant.

(By Advocate : Shri M.K. Bhhardwaj)

VERSUS

Union of India & Ors.  
Through :-

1. US Mishra  
Director,  
Central Bureau of Investigation,  
Block No.3, CGO Complex,  
New Delhi.
2. SD Baijal  
Administrative Officer (Estt.),  
Block No.3, 4<sup>th</sup> Floor,  
C.G.O. Complex, New Delhi.

.....Respondents

(By Advocate : Shri S. Krishna Kumar)

**ORDER (ORAL)**

**SHRI V.K. MAJOTRA, VICE CHAIRMAN (A) :**

Learned counsel heard.

2. OA 1459/2004 was partly allowed vide order dated 6.7.2004 with the following observations/directions to the respondents:-

"17. Having heard the learned counsel for the parties and having given a careful consideration to the facts and circumstances of the case and also keeping in view the medical opinion as given by the medical board constituted for the purpose and without any prejudice to the decisions as relied upon by the respondents in their counter reply, I am inclined to partly allow this OA with directions to the respondents that they allow the applicant to 'continue in Delhi so as to enable him to continue proper treatment on regular basis and avoid strenuous exertion'. Ordered accordingly. With this, the impugned orders of the respondents dated the 31<sup>st</sup> May,

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2004 and also dated 6.6.2003 to the extent that it relates to the transfer of the applicant from New Delhi to Mumbai stand quashed and set aside. The other relevant orders as referred to in paragraph 8 of the OA in so far as these relate to the applicant's said transfer to Mumbai also stand consequentially quashed and set aside. The respondents shall, however, be at liberty to proceed in the matter as per law in regard to what has been conveyed by them to the applicant in paragraph 4 of their impugned order dated the 31<sup>st</sup> May, 2004. No order as to costs."

3. Learned counsel of the applicant stated that although the respondents have reinstated the applicant w.e.f. 24.8.2004, they have not paid him the pay and allowances thereafter. Learned counsel of the respondents stated that respondents are taking a little time, as they will have to send out another person on transfer in place of the applicant who has been adjusted in the Coordination Division. Learned counsel seeks and is allowed two weeks' time from today for making payment of pay and allowance to the applicant w.e.f. 24.8.2004.

4. In this backdrop, this CP is dropped and notices are discharged.

  
(SHANKER RAJU)  
MEMBER (J)

  
(V.K. MAJOTRA)  
VICE CHAIRMAN (A)

11.10.04

/ravi/