

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A. No. 23/2021

This the 08th day of January, 2021

(Through Video Conferencing)



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Brijesh Kumar Singh,
Senior Public Prosecutor,
Anti Corruption Branch,
Central Bureau of Investigation,
5-B, CGO Complex,
New Delhi-110003

And Resident of:
House No. B-34/B, Bhagwati Garden,
Uttam Nagar, New Delhi-110059

... Applicant

(through , Mr. MK Verma Advocate)

Versus

1. Central Bureau of Investigation (CBI)
CGO Complex, Lodhi Road,
New Delhi-110003
Through its Director,

2. Union of India
Through Secretary,
Ministry of Personnel, PG & Pensions
North Block, New Delhi-110001

... Respondents

(through , Mr. Gyanendra Singh, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy, Chairman:**

The applicant is working as Senior Public Prosecutor with the respondents. In the year, 2014, he was transferred from Lucknow to Delhi. On 16.08.2017, the Competent Authority passed an order transferring the applicant from Delhi to Guwahati. On a request made by the applicant, the 1st respondent kept the order of transfer in abeyance for one year. Vide order dated 21.11.2017, the Superintendent of Police (SP) to which the applicant is attached relieved him through an order dated 27.10.2020 requiring him to join at Guwahati. The applicant has made a representation to the Competent Authority by raising several grounds, against the order of relieving, and the same was rejected through order dated 17.12.2020. This OA is filed challenging the relieving order dated 27.10.2020 and the rejection order dated 17.12.2020.

2. The applicant contends that the SP has no authority to pass the impugned order and he did so with a *mala fide* intention. It is stated that the applicant made a compliant

against the SP and as retaliation for that, the impugned order was passed.

3. We heard Mr. M.K. Verma, learned counsel for the applicant and Mr. Gyanendra Singh, learned counsel for the respondents at the stage of admission.

4. The applicant was transferred from Delhi to Guwahati through an order dated 16.08.2017. On a request made by him, it was kept in abeyance for a period of one year. On expiry of that one year, the order becomes operational. The applicant was liable to be relieved as soon as the period of one year expired. However, he continued thereafter, that too, in the absence of any order of extension.

5. Be that as it may, the applicant did not challenge the order of transfer dated 16.08.2017, earlier or even in this OA. His grievance is only about the relieving order dated 27.10.2020. Except that he has implemented the order of transfer dated 16.08.2017. the SP did not do anything further. The representation made by the applicant was also rejected by the Office of Director of CBI. Specific mention was made to the order of relieving and requiring the applicant to join at Guwahati. In other words, the Director of CBI has accorded approval for the order of relieving.



6. Viewed from any angle, the OA cannot be entertained. It is accordingly dismissed. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/Pj/sunil/jyoti/ankit/