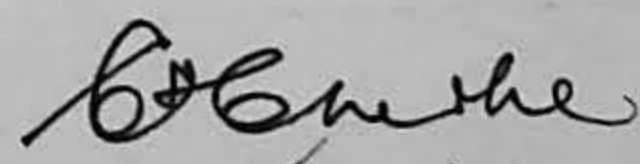13.03.02

Hon.Mr.C.S.Chadha, A.M.

This case was taken up on being mentioned by the learned counsel for the respondent nos.1 to 4 Sri Amit Sthalekar. His objection is that this case was heard behind his back when the counsel for the applicant was aware that he was present in the court. The court was also misled by giving an incorrect statement before it that the respondents had agreed that the applicant be retained in Allahabad Division till the financial year 2001-02. I am afraid that this wrong statement was given before me. The learned counsel for the applicant has tendered an apology for the said act, and he is cautioned not to make any such statement which is not true, in future.

I also must admit that this case need not have been heard at all because the order sheet of 08.03.2002 had not been signed by the Hon'ble Judicial Member, who heard the case on that day. It was the responsibility of the Bench Secretary to check the files before placing the Hon'ble Member and to inform me of the procedure that the case could not be heard without the signatures of the Hon'ble Judicial Member, on the order sheet of 08.03.2002. He is also directed that he should be careful that this should not happen in future.

The learned counsel for the applicant states that he is willing to be transferred anywhere, where the department so pleases, after the examination of his children in the present educational session is over. With the consent of all the parties, the O.A. stands disposed of with the direction to the respondents no. 1 to 4 that the applicant's transfer order may be issued when-ever they so desire, but it may be made effective only after one week of the last examination of the children of the applicant in the present educational session. For verification of that date, the learned counsel for the applicant agrees to file an affidavit before the respondent nos.1 to 4 giving the exact date of the last examination ofhhis children. The affidavit should be filed within a week of this order. No costs.

Member (A)