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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 31.3.1999

OA 147/99

Jasraj Singh Rajawat r/o 97, Nalanda Vihar, Maharani Farm, Durgapura, Jaipur.

... Applicant

Versus

1. Union of India through Standing Counsel, Govt. of India.
2. Director, CBI, CGO Complex, Lodi Road, New Delhi.
3. Suptd. of Police, CBI, C-Scheme, Tilak Marg, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr. D.K. Jain

For the Respondents

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O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Jasraj Singh Rajawat, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for quashing the order of the Superintendent of Police, Central Bureau of Investigation, Jaipur, dated 19.3.99, at Annexure A-5, and the wireless message of the Head Office, C.B.I., New Delhi, dated 19.3.99, at Annexure A-4.

2. Heard the learned counsel for the applicant.

3. Applicant's case is that he was posted as Senior Public Prosecutor, CBI, Jaipur, on deputation vide order dated 18.2.99, at Annexure A-1, after being duly selected for the post by the Union Public Service Commission. The appointment of the applicant on deputation was for posting him as Senior Public Prosecutor, CBI, at Jaipur, which was made as per the applicant's option exercised before his appointment to the post on deputation basis. It was on this condition that the applicant had given consent to his parent department and thereafter the State of Rajasthan had relieved him to report to the CBI, Jaipur. The applicant submitted his joining report to the Superintendent of Police, CBI, Jaipur, on 10.3.99. However, the Superintendent of Police, CBI, Jaipur, did not allow the applicant to work as Senior Public Prosecutor, CBI, at Jaipur, and the person already serving as Senior Public Prosecutor, CBI, at Jaipur, who was in turn to be relieved to join as Senior Public Prosecutor, SIC-III, New Delhi, was allowed to continue as Senior Public Prosecutor, CBI, Jaipur. By an order dated 19.3.99, the applicant was relieved in the afternoon of 19.3.99 with the direction to report to DIG, CBI, SIC-III, New Delhi, vide Annexure A-5. The applicant

being aggrieved by this order, was compelled to file this application. The impugned order dated 19.3.99, at Annexure A-5, has been challenged as being arbitrary and unjust. The learned counsel for the applicant has drawn attention to the applicant's representation dated 26.3.99, at Annexure A-6, and he wants the same to be decided on merits through a detailed speaking order.

4. In the circumstances, this application is disposed of, at the stage of admission, with a direction to respondent No.2 to decide the applicant's representation dated 26.3.99, at Annexure A-6, within a period of one month from the date of receipt of a copy of this order through a detailed speaking order on merits keeping in view the documents at Annexure A-1 dated 18.2.99, Annexure A-2 dated 9.3.99 and Annexure A-3 dated 10.3.99. Let a copy of the OA and the annexures thereto be sent to respondent No.2 alongwith a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he shall be at liberty to file a fresh OA.

Gopal Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK