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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 307 of 2005
Original Application No. 308 of 2005

Jabalpur, this the 23rd day of March, 2005

Hon'ble Mr. Madan Mohan, Judicial Member

1. Original Application No. 307 of 2005 :

Vijay Kumar Singh, IPS
Aged about 44 years, S/o. Shri
S.L. Singh, I.G. Home Guards,
Jabalpur (M.P.),

and 4 others. Applicants

2. Original Application No. 308 of 2005 :

D.C. Sagar, IPS,
Aged about 39 years,
S/o. Shri A.C. Sagar,
Superintendent of Police,
Khandwa (MP) Applicant

(By Advocate – Shri V.K. Tankha, Senior Advocate alongwith Shri
M.K. Verma in both the OAs)

V E R S U S

Union of India,
Through Secretary,
D.O.P.T., Department of
Personnel and Training,
New Delhi,

and others. Respondents

in both the OAs

(By Advocate – Shri Akhil Prakash Khare for respondents Nos. 1 & 2
and Shri Om Namdeo for respondent No. 3, counsel
in both the OAs)



Common O R D E R

As the issue involved in both the cases is common and the facts, reliefs and grounds raised are identical, for the sake of convenience, I dispose of these Original Applications by passing a common order.

2. These Original Applications have been filed with a prayer to quash the show cause notice dated 4.2.2005 by which the applicants have been given 15 days notice to show cause as to why they should not be transferred to the IPS cadre of Chattisgarh as per the methodology of allocation of IPS officers of erstwhile IPS cadre Madhya Pradesh to newly created IPS cadre of Chattisgarh. In response to the aforesaid show-cause notice the applicants have preferred their detailed representation on 24/27.02.2005 (Annexure A-8 in both the OAs).
3. Heard the learned counsel for the parties and perused the pleadings and records.
4. During the course of arguments the learned counsel for the applicants has contended that against the impugned order the applicants have submitted their detailed representation dated 24/27.02.2005 in which they have raised many preliminary objections including the cadre strength of both the States, and until and unless these basic facts are taken into consideration by the respondents and decided in consultation with the respondents State Governments, the applicants should not be disturbed.
5. It is observed that earlier the Central Government had issued show cause notices to 39 officers on 2.4.2002 and all the officers had submitted their reply to the show cause including the applicants. Thereafter, a committee was constituted in terms of the order issued by the Central Government on 5.12.2003 under the Chairmanship of

Secretary, DOP&T with certain members a) Chief Secretary, Government of Madhya Pradesh – Member, b) Chief Secretary, Government of Chhattisgarh - Member, c) Special Secretary (IS), Ministry of Home Affairs, New Delhi – Member and Joint Secretary (Police), Ministry of Home Affairs, New Delhi – Member Secretary to decide the representations. In the impugned order it has been clearly stated that all the officers belonging to the Chattisgarh including the applicants who were served with the show cause notices had conveyed their 'no objection' to their change of cadre from Madhya Pradesh and Chhattisgarh. Now, in terms of the recommendations of the aforesaid committee, the Government has taken a decision to transfer the applicants. It is not understood as to why the Government has again issued the show cause notice to the applicants giving them 15 days notice to explain as to why they should not be transferred. Since now the applicants have represented against the show cause notice, the respondents have to again examine the whole matter and decide it accordingly in accordance with the rules. Therefore, I am of the considered view that these Original Applications can be disposed of at the admission stage itself with a direction to the respondents Nos. 1 & 2 to consider and decide the representations of the applicants dated 24/27.02.2005 (Annexure A-8 in both the OAs) after giving the applicants an opportunity of hearing and also in consultation with the respondents State Governments within a period of 4 weeks from the date of receipt of a copy of this order. I do so accordingly. The respondents are also directed to treat these Original Applications as the part of the representations and consider all the grounds raised in the OAs while deciding their representations. Till the representations of the applicants are decided in terms of the directions contained above, the respondents are directed that the applicants should not be disturbed from the present place of their posting. The applicants are also directed to send a copy of this order alongwith the copy of the petitions to the respondents Nos. 1 to 4 within a week from today by speed post/hum dust.

