

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 912 of 2003

Jabalpur, this the 30th day of December, 2003

Hon'ble Shri G. Shanthappa, Judicial Member

Lal Chandra Bhartiya, I.P.S.
aged about 49 years son of Shri
Ram Gopal Bhartiya, Superintendent
of Police, Sehore at Sehore.

... Applicant

(By Advocate - Shri Manoj Sharma)

V e r s u s

1. The State of Madhya Pradesh
through the Principal Secretary
Home Department, Govt. of M.P.,
Vallabh Bhawan, Bhopal.
2. The Director General of Police,
Madhya Pradesh, P.H.Q. Bhopal.
3. The Union of India,
through the Secretary,
Ministry of Home, Govt. of
India, New Delhi.
4. Shri A.K. Singh, I.P.S.,
Superintendent of Police,
Betul at Betul.

... Respondents

(By Advocate - Shri K.N. Pethia for respondent No. 3 and
Shri Awadesh Singh for the Caveator)

O R D E R (Oral)

The applicant has filed the above OA seeking the relief to issue a writ in the nature of certiorari and further to quash the impugned order dated 20.12.2003 (Annexure A-IX), in so far as it relates to the applicant and the respondent No. 4.

2. The brief facts of the case are that, presently the applicant is posted as Superintendent of Police, Sehore, for the since last five months i.e. from 22.07.2003. The applicant has been transferred from the post of Superintendent of Police Sehore to SP, Police Headquarters, Bhopal, vide order dated 20.12.2003 (Annexure A-IX). The applicant has filed a repre-

ntation dated 27.12.2003 through an MA No. 1688/2003. The same has not been decided by the respondents. The applicant submits that his case be considered on the basis of his representation and the respondents be directed to decide the same.

3. The applicant served in his various capacity as Deputy Superintendent of Police, Additional Superintendent of Police and now he is working as Superintendent of Police, Sehore. The apprehension of the applicant is that the wife of the applicant is a defeated candidate in the assembly election. Hence he has been transferred to the Police Headquarters, Bhopal as SP. Regarding the political issue of his wife and also his services, there is no correspondence between the applicant and the respondents. The respondent No. 1 has issued the orders regarding the transfer of the applicant only to accommodate the respondent No. 4. Hence the impugned order is illegal and the same is liable to be quashed.

4. While the applicant was working as SP at Sehore, he received number of appreciation letters vide Annexures A-6 to A-8. Annexure A-6 and Annexure A-7 are issued by the Inspector General of Police, Bhopal. Annexure A-8 is issued by the Collector, Sehore. The respondents want to take the valuable services of the applicant at Police Headquarters, Bhopal. For that they have issued the orders of transfer vide Annexure A-IX. The applicant submits that the impugned order of his transfer is punitive in nature, as in a short spell of five months he has been transferred again. Hence the impugned order is illegal.

5. The advocate for the respondent No. 4/Caveator has submitted that the respondent No. 4 has joined the place of

posting at Sehore on 22.12.2003. The applicant has been relieved on the said date and for that the caveator has produced the document No. 1 dated 20.12.2003. The respondent No. 4 has also produced a document No. 2 i.e. a certificate of transfer of charge. The advocate for the applicant has submitted that he has not signed the certificate of transfer of charge. The advocate for the respondent No. 4/caveator has also submitted that he has filed an additional document D-4 through MA No. 1686/2003, a radio message in which the respondent No. 4 has himself submitted that "In compliance of Govt. of Home (Police) Order No. f-1/5/2003/b-2/2-two/03, and dated 20.12.2003/DGP M.P. order No. PHQ./1/IPS/1/3807/2003/20/12/2003, I have taken over charge of S.P. Sehore on 22nd day of December A.N. for information pse." The said document is a self explanatory document. Whether actually the respondent No. 4 has taken the charge or not, is a factual thing.

6. After hearing the parties at some length, I find that the applicant has submitted a representation dated 27.12.2003 to the first respondent, through the Director General of Police, regarding request of cancellation of his transfer order. As the said representation is pending the advocate for the applicant has requested to issue a direction to the respondents to consider his representation and pass an appropriate order.

without expressing the opinion on merit of the OA. 7. Accordingly, the Original Application is disposed of with a direction to the respondent No. 1 to consider the representation dated 27.12.2003 of the applicant, by passing appropriate orders within a period of 4 weeks from the date of receipt of copy of this order. The respondent No. 1 is also directed, that while

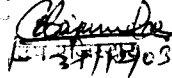
considering the said representation dated 27.12.2003
submitted by the applicant, he shall decide the issue
whether the applicant has been relieved or not, or whether
the respondent No. 4 has taken the charge where he has been
transferred?

8. Original Application stands disposed of accordingly.


(G. Shanthappa)
Judicial Member

"SA"

पृथक्पत्र सं. १०७/२००३ दि. २७.१२.०३
वर्ग १०७/२००३
(१) प्रमाणित
(२) प्रमाणित
(३) प्रमाणित
(४) प्रमाणित
सूचना एवं कार्यवाही दि. २७.१२.०३


31/12/03

Manoj Sharma, Adl.
KN Pethia, Adl.
Awadesh Singh, Adl.

Issued
on 31-12-03
BS