

**Central Administrative Tribunal
Principal Bench**

OA No.2153/2017

New Delhi, this the 3rd day of July, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Jayant Kashmiri
S/o Late Shri Hriday Nath Michu
R/o 1357, Sector-12
R.K. Puram, New Delhi
(Age about 57 years) (Group A)
Presently working as Dy. S.P. CBI ..Applicant

(By Advocate: Shri Ajesh Luthra)

Versus

1. Central Bureau of Investigation
Through its Director
CGO Complex, Lodhi Road
New Delhi-110053.

2. The Director (Personnel)
Central Bureau of Investigation
CGO Complex, Lodhi Road
New Delhi-110003. ..Respondents

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

Notice.

2. Shri Hanu Bhaskar, learned counsel appears and accepts notice on behalf of respondents.

3. The present Original Application is directed against the impugned order dated 24.06.2017 passed by the In-charge Deputy Director(Pers.), CBI, Head Office, New Delhi transferring the applicant who is working as

DSP, CBI, ACB, Delhi to CBI, DSPE, SCB, Chennai in the same capacity on administrative grounds till further orders. The main thrust of contention of the applicant is that the aforesaid order is in violation of the Transfer Policy formulated by the respondents which *inter alia* prescribes tenure of posting under para 'B' thereof.

4. We have perused the said transfer policy. For the rank of the applicant, the normal tenure is seven years in a particular Branch or 14 years at a particular station whichever is less. From the list of dates and events, we find that the applicant has earlier served in Delhi from 05.12.2000 to May 2004 i.e. for a period of 3 years and 6 months and thereafter since March 2012 till date of the passing of the impugned order he has been working in Delhi which tenure comes to 5 years and 3 months, meaning thereby, that the applicant has served for a period of almost 9 years at New Delhi during his service. The contention of Shri Ajesh Luthra, learned counsel for the applicant, is that various officers in CBI with longer tenures extending up to 20 years have been retained in Delhi whereas the applicant has been isolated for transfer to Chennai in contravention of the transfer policy. The applicant has also filed a representation dated 29.06.2017 Annexure A-2 against

his transfer. Shri Hanu Bhaskar, learned counsel for the respondents has submitted that this representation has not been received by the respondents. In any case, the copy of the representation has now been furnished along with the paper-book to the learned counsel for the respondents. Without going into the merits and contentions of the applicant at this stage, we deem it appropriate that the respondents may examine and consider the representation of the applicant and pass appropriate order in accordance with the law keeping in view the transfer policy framed by them within a reasonable time. A copy of the representation having been furnished to Shri Hanu Bhaskar, no separate representation is required notwithstanding the fact whether the earlier representation has been received by the respondents or not.

5. In this view of the matter, we dispose of this OA at the admission stage with a direction to the competent authority to take a decision on the representation of the applicant in accordance with rules, regulations and law within a period of two weeks from today and dispose of the same by passing a reasoned and speaking order. Till the representation is

disposed of, the impugned order shall not be implemented.

(K.N. Shrivastava)
Member(A)

(Justice Permod Kohli)
Chairman

/vb/