

**Central Administrative Tribunal
Principal Bench**

OA No.3122/2016

New Delhi, this the 02nd day of February, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Ms. Nita Chowdhury, Member (A)**

Smt. Archana Ramasundaram
Aged about 59 years,
W/o Sri S. Ramasundaram
Presently working as Director General
Sashastra Seema Bal,
Ministry of Home Affairs,
Government of India,
Force Head Quarters,
East Block-V, R. K. Puram,
New Delhi 110 066. Applicant.

(By Advocate : Shri Aditya Dewan)

Vs

1. State of Tamil Nadu
Through the Chief Secretary
Government of Tamil Nadu, Secretariat,
Chennai-9.
2. Principal Secretary to Government
Home Department,
Government of Tamil Nadu, Chennai 600 009.
3. Union of India
Through Home Secretary
Ministry of Home Affairs,
North Block,
New Delhi. Respondents.

(By Advocate : Shri Sandeep Khurana and Ms. Seemab Ali Fatima for
respondent Nos.1 & 2.
Shri Dev. P. Bhardwaj for respondent No3.)

: O R D E R (ORAL) :

Justice Permod Kohli, Chairman :

This Application proceeds on admitted factual position as per
pleadings of the parties.

2. The applicant is an IPS Officer belonging to 1980 batch of Tamil Nadu Cadre (IPS TN: 1980). In the year 2012-2013, she applied to the

State Government for Central deputation. The State of Tamil Nadu, i.e., Respondent No.1 vide letter dated 15.10.2013 forwarded her willingness for central deputation along with vigilance clearance to respondent No.3, i.e., Ministry of Home Affairs, which was communicated to the Department of Personnel & Training (DoP&T) on 21.10.2013. Respondent No.3 also forwarded a panel of officers including the name of applicant to DoP&T for consideration for the post of Additional Director, Central Bureau of Investigation (CBI). The CBI Selection Committee in its meeting held on 26.12.2013 recommended the name of one Shri R. K. Pachnanda, IPS (WB:83) for the post of Additional Director, CBI. However, the Appointments Committee of the Cabinet (ACC) approved the name of the applicant for appointment as Additional Director, CBI on the basis of her seniority, experience in the field of criminal investigation and experience as Additional Director General of Police and Training in the relevant field, etc. The DoP&T vide Note No.202/02/2013-AVD.II dated 07.02.2014 appointed the applicant as Additional Director, CBI for a period of four years. The decision was fully communicated to the Chief Secretary, Government of Tamil Nadu (Respondent No.1) and requested for relieving the applicant from the post of Director General of Police/Chairperson, Tamil Nadu Uniformed Services Recruitment Board (TNUSRB), the post held by her at the relevant time. Despite letters dated 11.02.2014 and 24.02.2014 to respondent No.1 for relieving of the applicant, the Tamil Nadu Government did not respond. In the meantime, the applicant was also empanelled as Director General of Police (DGP) at the Centre along with nine other IPS Officers of her batch. Her name figures at Sl. No.4 of the Order dated 04.03.2014 approved by the ACC. Vide another letter dated 07.04.2014, Secretary, DoP&T requested Respondent No.2 seeking earlier release of the applicant for joining CBI. Receiving no response, the DoP&T vide order dated

07.05.2014 directed the applicant to take charge as Additional Director, CBI immediately. In compliance to the said directions, the applicant relinquished the charge to Additional Director General of Police/Member, TNUSRB in the prescribed format and also informed the fact in writing to the Chief Secretary, Home Secretary and Director General of Police, Tamil Nadu on the same day, i.e., 07.05.2014. The applicant thereafter took charge as Additional Director, CBI on 08.05.2014. The CBI issued charge assumption report on the forenoon of 08.05.2014. On 21.05.2014, the CBI sent a letter dated 21.05.2014 to the Tamil Nadu Government requesting them to send Service Book and Last Pay Certificate (LPC) of the applicant. The said letter was followed by letters dated 01.09.2014, 14.11.2014, 03.02.2015 and 29.04.2015, but no response has been given by Tamil Nadu Government.

3. On 16.06.2015, the applicant was appointed as Director General, National Crime Records Bureau. She was further appointed as Director General of Police, Sashastra Seema Bal, Ministry of Home Affairs, New Delhi on 01.02.2016.

4. Respondent No.3, i.e., Ministry of Home Affairs, have written number of communications to respondent No1., i.e. State of Tamil Nadu requesting Service Book and LPC of the applicant, but the same have not been send. Reference is made to letters dated 13.07.2015 and DO of even number dated 26.08.2015, as also dated 21.12.2015 for forwarding the service book and LPC of the applicant to enable the Central Government to fix her salary in the pay band of HAG+ (Rs.75,000+80,000). Various reminders were given on 12.02.2016 and 06.04.2016 by respondent No.3, and again a letter dated 10.06.2016 was sent. Despite such communications and reminders, respondent No.1 has failed to forward the Service Book and LPC of the applicant to

Central Government. This OA has been accordingly filed seeking the following reliefs:-

- “(i) To direct the resonant No.1 to send the Service Book and LPC of the applicant at the earliest, and
- (ii) Award cost of litigation; and or/
- (iii) Pass any other order(s) or direction (s), which this Hon’ble Tribunal may deem fit and proper in the light of the facts and circumstances if the instant case as well as in the interest of justice.”

5. The Central Government has supported the case of the applicant. The State of Tamil Nadu has filed a detailed counter. The only plea raised is that the disciplinary proceedings were initiated against the applicant, and an OA No.3682/2015 filed by the applicant was allowed by CAT, Principal Bench vide judgment dated 11.05.2016. The State of Tamil Nadu has challenged the said judgment before the Hon’ble High Court of Delhi in W.P. (C) No.6117/2017 wherein final orders were reserved. It is stated that the judgment of the Hon’ble Delhi High Court may come in conflict with the judgment to be passed in the present OA.

6. During the course of hearing, learned counsel for the applicant has placed on record a copy of the judgment dated 30.11.2016 whereby writ petition No.6117/2016 filed by the State of Tamil Nadu against the order of the Tribunal has been dismissed.

7. In this scenario, we find no valid reason for not forwarding the Service Book and LPC of the applicant to the Central Government. Otherwise also, the applicant was validly continued with the Central Government. She was placed under suspension by the State of Tamil Nadu, which suspension order was set aside by the Central Government and the order of the Central Government has been upheld by the learned Single Bench as well as the Division Bench of the Hon’ble High Court of

Delhi. No rule or regulation permit the State of Tamil Nadu to withheld the Service Book and LPC of the applicant. The applicant is an upright and honest officer. She is a recipient of President's Police Medal for meritorious service and the President's Police Medal for distinguished service based upon her performance, integrity and track record. The action of the Tamil Nadu Government in withholding Service Book and LPC of the applicant is totally illegal, unjustified and is impermissible in law. This OA is accordingly allowed. Respondent Nos.1 & 2 are directed to forward the Service Book and LPC of the applicant to the Central Government, i.e., Respondent No.3 within a period of one month from the date of receipt of copy of this order.

(Nita Chowdhury)
Member (A)

(Justice Permod Kohli)
Chairman

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