

**Central Administrative Tribunal
Principal Bench**

OA No.2707/2018

New Delhi, this the 06th day of September, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Raj Karan Nayyar
Presently DCP Zone-1, Howrah Police
Commissionerate(On leave)
S/o Late Vijay Singh Nayyar
Aged 31 years
At present: SP Residence Civil Lines
Rae Bareli-226001. ..Applicant

(By Advocate: Shri A.K. Behera)

Versus

1. Union of India through its Secretary
Ministry of Home Affairs
North Block, New Delhi-110001.
2. Chief Secretary, Government of West Bengal
Nabanna, Howrah-711101.
3. Chief Secretary, Government of Uttar Pradesh
U.P. Secretariat, Lucknow. ..Respondents

(By Advocates: Shri Ranjan Tyagi and Shri K.K. Sharma
for Respondent No.1 and Ms. Abhinandini Yadav for
Shri Raja Chatterjee for respondent No.2)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant is an IPS officer of 2012 batch. He
was allotted to West Bengal cadre. Subsequently, he

married an IPS officer who was allotted to UP cadre. With a view to lead family life, the applicant made a request to the Central Government to change his cadre from West Bengal to UP. As required under the relevant provisions of law, the concurrence of both the States was taken by the Central Government and a notification dated 12.09.2017 was issued in this regard.

2. The grievance of the applicant is that though nearly one year has elapsed ever since notification by the Central Government was issued, he is not being relieved by the State of West Bengal, i.e., the second respondent herein.

3. The first respondent filed a counter affidavit almost admitting the facts as stated by the applicant. They also stated that more than three reminders were sent to the State of West Bengal to relieve the applicant but no response has emerged so far. Though the respondent Nos. 2 and 3 have been served, they have not chosen to file counter affidavit.

4. Heard Shri Ranjan Tyagi, learned counsel for respondent No.1 and Ms. Abhinandini Yadav proxy

counsel for Shri Raja Chatterjee, counsel for respondent No.2.

5. The notification dated 12.09.2017, issued by the Govt. of India, regarding change of cadre of the applicant, reads as under:-

“In exercise of the powers conferred under Sub-Rule(2) of Rule 5 of Indian Police Service (Cadre) Rules-1954, and with the concurrence of the Government of West Bengal and the Government of Uttar Pradesh, the Central Government hereby transfers Shri Raj Karan Nayyar, IPS (WB:2012) from West Bengal to the IPS Cadre of Uttar Pradesh on the grounds of his marriage with Ms. Sujata Singh, IPS (UP:2012).”

6. From this, it is evident that the change of cadre was ordered only after obtaining concurrence of West Bengal and State of UP. Once it has given concurrence, the second respondent cannot refuse to relieve the applicant. For all practical purposes, the inaction or refusal on the part of the second respondent amounts to nullifying the orders passed by the first respondent.

7. We do not see any justification on the part of respondent No.2, in making the notification dated 12.09.2017 virtually redundant.

8. We, therefore, allow this OA and direct respondent No.2 to relieve the applicant within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(Aradhana Johri)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

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