

**Central Administrative Tribunal
Principal Bench, New Delhi**

O.A.No.341/2018
C.P.No.241/2018

Order reserved on 22nd May, 2018

Order pronounced on 30th May, 2018

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

O.A. No.341/2018

Sh. D V Singh
Aged 58 years
s/o Sh. Mehar Singh
Consul
Consulate General of India
Permanent r/o Hirankudna
PO Tikrikala
Delhi – 110 041

Presently r/o 842, Northam Lane
Sandy Springs, Atlanta – 30342
United States of America

Through its Power Attorney
s/o Ajay Singh
s/o late Ran Singh
r/o A-146, Gulab Bagh
New Delhi – 110 059

..Applicant

(Ms. Puja Anand, Advocate)

Versus

1. Union of India through Secretary
Ministry of External Affairs
South Block, New Delhi – 110 011
2. Secretary
Department of Personnel & Training
North Block, New Delhi – 110 011

..Respondents

(Mr. Rajeev Kumar, Advocate)

C.P. No.241/2018 in O.A. No.341/2018

Sh. D V Singh
Aged 58 years
s/o Sh. Mehar Singh
Consul
Consulate General of India
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..Applicant

(Ms. Puja Anand, Advocate)

Versus

Mr. P K Sinha
Through Cabinet Secretary
Ministry of External Affairs
South Block, New Delhi – 110 011

..Respondent

(Mr. Rajeev Kumar, Advocate)

ORDER

Mr. K N Shrivastava, M (A):

Through the medium of this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following main relief:-

“I. To quash / set aside the communication dated 10.01.2018 being No. Q/PA-1/6610/02/2018 issued by Respondent No.1 whereby the Applicant was prematurely recalled to Headquarter, India who is working as Consul, Consulate General of India in Atlanta, USA.

2. The factual matrix of the case, as noticed from the records, is as under:-

2.1 The applicant joined the Ministry of External Affairs (MEA) in the year 1979 as a Stenographer (Grade III). Later on, he was inducted in Indian Foreign Service (IFS) and allotted 2003 batch. He was promoted as Director in the Grade IV of IFS w.e.f. 01.01.2016 and posted as Consul, Consulate General of India (CGI), Atlanta. He joined the said post on 28.05.2015.

2.2 The applicant was also assigned the work of Head of Chancery, CGI, Atlanta. A team of MEA officers visited the CGI, Atlanta and noticed certain irregularities in the expenditures incurred and reported as such to MEA. Acting on the report, the MEA decided to recall the applicant, and accordingly, vide Annexure A-1 order dated 10.01.2018 he was recalled to the Headquarters of MEA. This order was issued in terms of paragraph 8 (2) (vii) of Annexure XII to IFS (PLCA) Rules with immediate effect.

Aggrieved by this recall order, the applicant has approached the Tribunal in the instant O.A. praying for the relief, as indicated in paragraph (1) above.

3. On 25.01.2018, when the O.A. was taken up for admission, the Tribunal passed an interim order directing maintenance of status quo *qua* the applicant.

4. Pursuant to the notices issued, the respondents entered appearance and filed their reply. In the meanwhile, a meeting of Foreign Service Board

(FSB) 2018 took place on 14.03.2018, in which it was decided to post Mr. Rajesh Gawande, US (UNES) as Consul at CGI, Atlanta in place of the applicant. In view of this development, the applicant filed C.P. No.241/2018 alleging therein that the status quo order of the Tribunal dated 25.01.2018 is being disturbed.

5. When the O.A. together with the C.P. was taken up for hearing on 22.05.2018, Mr. Rajeev Kumar, learned counsel for respondents informed the Tribunal that the respondents have decided to allow the applicant to complete his 3 years' tenure ending on 27.05.2018.

6. In view of the submission of Mr. Rajeev Kumar, learned counsel, we find that the main relief prayed for by the applicant stands granted by the respondents themselves. As such, the O.A. and C.P. have become infructuous. They are dismissed as such.

7. Consequent to the dismissal of the O.A., the interim order dated 25.01.2018 stands vacated.

(K.N. Shrivastava)
Member (A)

(Justice Dinesh Gupta)
Chairman

/sunil/