

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.320/2018

Date of Decision : 2nd May, 2018

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Yogesh Suryakant Bhujbal
Junior Intelligence Officer,
Subsidiary Intelligence Bureau,
Bungalow No.18,
Opp. Gajanan Maharaj Temple,
Telangkhadi Road, Nagpur,
(R/o. S. No.151/16,
City Point Society, Magarpatta,
Pune – 411 028.
(By Advocate Shri S.P. Saxena)

- Applicant

Versus

1. *The Union of India through*
The Secretary,
Ministry of Home Affairs,
(Intelligence Bureau),
New Delhi – 110 001.
2. *The Director of*
Intelligence Bureau,
Ministry of Home Affairs,
New Delhi – 110 001.
3. *The Additional Director*
Subsidiary Intelligence Bureau,
C/23 E Block, Bandra – Kurla
Complex, Bandra (E),
Mumbai – 400 051.
4. *The Dy. Director*
Subsidiary Intelligence Bureau,
Bungalow No.18, Opp.
Gajanan Maharaj Temple,
Telangkhadi Road, Nagpur

- Respondents.

ORDER (ORAL)**PER: SHRI ARVIND J. ROHEE, MEMBER (J)**

Today Division Bench is not available. Hence, the matter is taken up before Single Bench.

2. Heard Shri S.P. Saxena, learned Advocate for the applicant, when the matter is called out for Admission. I have carefully perused the case record.

3. The applicant who is presently working as Junior Intelligence Officer in Subsidiary Intelligence Bureau (SIB) under respondent No.4, has grievance regarding impugned order dated 13.03.2018 (Annexure A-1) by which he is transferred from the present post to Patna in the same capacity, although he has not completed the prescribed tenure. The impugned order has been challenged on medical ground also since he suffers from Stricture Urethra for which he will require to go regular treatment from urologist and even surgery. Immediately after receiving the impugned transfer order dated 13.03.2018, the applicant submitted representation dated 19.03.2018

(Annexure A-9) to respondent No.2 for cancellation of the impugned transfer order and in the alternative for his placement at Mumbai for getting better medical treatment there. Few personal grounds are also raised in representation.

4. It is stated by learned Advocate for applicant that in pursuance of the impugned transfer order, the applicant is not yet relieved and nothing has been heard from respondent No.2 on his representation.

5. In view of above, this Tribunal is of the considered view that ends of justice will be better served, in case appropriate directions are issued in the matter.

6. Respondent No.2 is, therefore, directed to consider and pass a reasoned and speaking order on the pending representation dated 19.03.2018 (Annexure A-9) of the applicant in accordance with law, within a period of four weeks from the date of receipt of a certified copy of the order.

7. It is further directed that relying on the submission made by applicant's Advocate, the applicant be not relieved pending

consideration of the representation, if not relieved earlier, in which event this order will be *non-est* and the applicant will suffer the consequences of failing to report the place of transfer in compliance of the impugned transfer order.

8. On the request made by learned Advocate for applicant, in the event any adverse order is passed on the pending representation, it is further directed that the same shall remain in abeyance for a period of two weeks from the date of its communication to the applicant, to facilitate him to approach the appropriate forum for seeking necessary redress.

9. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents and without making any comments on the merits of the claim.

10. Registry is directed to forward certified copy of this order to both the parties at the earliest, for taking appropriate steps in the matter.

Dasti.

ma.

(A.J. Rohee)
Member (J)