

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No. 131/2019

This the 6th day of May, 2019

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

Abhijeet Singh
Presently DC, Traffic, Bidhannagar
Police Commissionerate,
S/o Satish Kumar, Aged 34 years, 'A' Group,
R/o 151 DC 1st Floor Sabitabha
Cooperative Society,
Street No.314 Action Area 1
New Town Bidhannagar,
Kolkata-700156.

... Applicant

(By Mr. A. K. Behera, Advocate)

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 Rajasthan,
Rajasthan Secretariat,
Jaipur.

... Respondents

(By Mr. S. K. Tripathi for Mr. Gyanendra Singh; and Mr. Raja
Chatterjee & Ms. Runa Bhuyan, Advocates)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant is an Indian Police Service (IPS) officer of 2012 batch. He has been allotted to the West Bengal Cadre.

2. It is stated that the applicant got married to an officer of the Rajasthan Cadre. He made an application on 27.05.2014 in the prescribed proforma with a request to change him to Rajasthan Cadre on the ground of marriage. The Government of Rajasthan, on the one hand, and the Government of West Bengal, on the other, expressed their no objection for the request of the applicant. Taking the same into account, the Cadre Controlling Authority, i.e., the Ministry of Home Affairs, respondent No.1, issued a notification dated 10.04.2018, changing the cadre of the applicant from West Bengal to Rajasthan.

3. The grievance of the applicant is that though nearly one year has elapsed, the State of West Bengal, the 2nd respondent, is not relieving him. This OA is filed with a prayer to direct the 2nd respondent to relieve him, and direct the 1st and 3rd respondents to extend the consequential benefit.

4. On behalf of the 1st respondent, a counter affidavit is filed, admitting the fact that the request of the applicant was

acceded to, after obtaining no objection from the 2nd and 3rd respondents. In its counter affidavit, the 2nd respondent stated that the applicant could not be relieved on account of the pressure of work and want of a suitable officer to replace the applicant.

5. We heard Shri A. K. Behera, learned counsel for the applicant; and Shri S. K. Tripathi for Shri Gyanendra Singh; and Shri Raja Chatterjee & Ms. Runa Bhuyan, learned counsel for the respondents.

6. In all fairness to the applicant, the 2nd and 3rd respondents gave their no objection, and that in turn, resulted in issuance of the notification dated 10.04.2018 by the 1st respondent. The very purpose of the change of cadre was to enable the applicant to shift his residence from the State of West Bengal to the State of Rajasthan. Though the relieving of an officer, whose cadre is changed, may not be possible immediately, undue delay would defeat the very purpose of obtaining change of cadre. A period of one year, by any standards, is on the higher side, for relieving an officer whose cadre was changed.

7. We, therefore, dispose of the OA directing that the 2nd respondent shall relieve the applicant within six weeks from

today. It is needless to mention that the 1st and 3rd respondents shall take necessary steps to enable the applicant to join the Rajasthan Cadre, as soon as he is relieved by the 2nd respondent. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/