

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

M.A.No.520/2004
O.A.2365/2003

New Delhi this the 25th day of March, 2004.

Hon'ble Shri Bharat Bhushan, Member(J)

Shri M.P. Sharma
Deputy Superintendent of Police
Central Bureau of Investigation
Special Investigation Cell-II
C-I Hutmants, Dalhousie Road,
New Delhi. Applicant

(By Advocate: Shri M.K.Bhardwaj)

versus

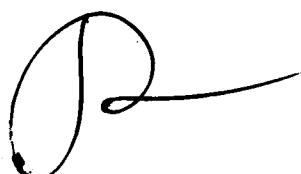
Union of India & Ors.
Through

1. The Secretary
Cabinet Secretariat
North Block, New Delhi.
2. P.C. Sharma
Director, C.B.I.
Block No.3, CGO, Complex
New Delhi.
3. The Administrative Officer(Estt.)
Central Bureau of Investigation
Block No.3, 4th Floor,
C.G.O.Complex,
New Delhi. Respondents

(By Advocate:Shri M.M.Sudan)

Order(Oral)

Heard the learned counsel. The applicant employed as Deputy Superintendent of Police (DSP) in the Central Bureau of Investigation was ordered to be transferred from SIC.I Delhi to SCB, Mumbai by the transfer order dated 6.6.2003 (Annexure A-1). Feeling aggrieved against such order of transfer, he had approached this Tribunal alleging that the transfer order to be malafide and illegal.



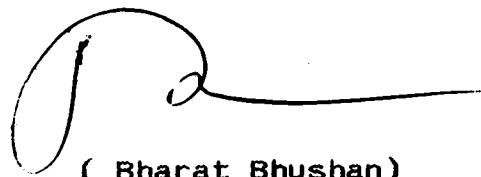
2. The applicant prior to approaching this Court after the receipt of the order of transfer had made a detailed representation to the Director,CBI praying therein for cancellation/modifications of his transfer order on the ground of his heart ailment and the fact that he had already undergone major heart surgery and as such due to that heart problem was unable to move out frequently. In support he had also filed medical certificates. But vide order dated 26.6.2003 not agreeing his contention, the respondents relieved the applicant from his present duties w.e.f. 30.6.2003.

3. Learned counsel for the respondents during the course of the argument, however, submitted that the applicant was facing departmental enquiry in some other case wherein too he had merely submitted medical certificates in support of his illness and on that ground only he was not appearing in the said enquiry, with the result that the said enquiry had been held up. Learned counsel further submits that keeping in view the alleged illness of the applicant, the matter was referred to the Medical Superintendent, Dr.R.M.L.Hospital on 25.9.2003 for constitution of Medical Examination Board to assess his heart ailment but till date the applicant failed to appear before the Medical Board too. However, the applicant now at this stage has moved MA-520/2004 thereby consenting to appear before the said Medical Board. In view of this, the respondents would now get the report of the Medical Examination Board after



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getting the applicant medically examined. And thereafter consider the applicant's request for transfer afresh on medical grounds. It would be desirable if such orders are passed expeditiously and in any case within a period of two months from the date of receipt of the report of the Medical Examination Board. With this, the MA 520/2004 and OA also stand disposed of.



(Bharat Bhushan)
Member(J)

rb.