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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3095/2003

Tuesday, this the 20th day of July, 2004

Hon'ble Shri S. K. Naik, Member (A)

Shri G.P.Sewalia  
s/o late Shri G.S.Sewalia  
r/o C-II/215, Satya Marg,  
Chanakaya Puri,  
New Delhi-21

..Applicant

(By Advocate: Shri Harpreet Singh)

Versus

1. Union of India  
through Secretary  
Ministry of Home Affairs  
North Block, New Delhi
2. The Chief Secretary  
Govt. of NCT of Delhi  
Delhi Secretariat, IP Estate  
New Delhi

..Respondents

(By Advocate: Ms. Jyoti Singh)

**O R D E R (ORAL)**

Heard the learned counsel appearing for the parties.

2. Learned counsel for applicant has submitted that even though the applicant is pursuing a criminal case registered against him and is on bail at the moment, he has been transferred out of Delhi to Arunachal Pradesh vide order dated 11.12.2003. He further submits that he was earlier posted in Delhi from Goa in 1997 on this very ground on pursuing the criminal case against him. While he appreciates the accommodation provided to him by the respondents in first posting him at Delhi and subsequently not implementing the order of transfer dated 11.12.2003 until now, he submits that it will be difficult for him to attend to his case which has already reached a final stage

J. Naik

if he is now made to join the post at Arunachal Pradesh which is a far-off place. Since all the prosecution witnesses have been examined and he does not intend to prolong the criminal proceedings by producing any long list of defence witnesses, etc., he submits that his transfer to Arunachal Pradesh should be deferred until the conclusion of the criminal proceedings against him.

3. Learned counsel for respondents has stated that the respondents have already been considerate on the applicant and that is why despite no stay having been granted by the Tribunal, they have not insisted the applicant to join at Arunachal Pradesh for the last more than seven months. However, the exigencies of service now require that the applicant should join Arunachal Pradesh as there are three vacancies. The applicant being a senior Super Time Scale officer should realise this and should join the post.

4. Learned counsel for applicant, however, submits that his only limited prayer is that the applicant should not be made to join at Arunachal Pradesh before the conclusion of the criminal proceedings against him which may take another two months or so. He contends that if the respondents are willing to consider his case for deferment sympathetically, he would file a representation for their consideration and withdraw the present application.

5. I have considered the request of the learned counsel for applicant. In view of the submissions made

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above, if the applicant makes a self-contained representation before the respondents within a period of six weeks, the respondents should consider his representation within six weeks thereafter.

6. With these directions, the OA is disposed of.

*S. K. Naik*  
( S. K. Naik )  
Member (A)

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