

(2020) 11 DEL CK 0098

In the Delhi High Court

Case No : Civil Writ Petition No. 9015 Of 2020, Civil Miscellaneous No. 29061 Of 2020

Dr. Sonali Badhe

APPELLANT

Vs

Directorate Of Enforcement & Ors

RESPONDENT

Date of Decision : 12-11-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2020) 11 DEL CK 0098

Hon'ble Judges : Rajiv Sahai Endlaw, J;Asha Menon, J

Bench : Division Bench

Advocate : Sarhak Bhatia, Aakanksha Kaul, Manek Singh

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J

CM No.29062/2020 (for exemption)

1. Allowed, subject to just exceptions and as per extant rules.
2. The application is disposed of.

W.P.(C) 9015/2020 & CM No.29061/2020 (for interim stay)

3. The petition impugns the order dated 13th March, 2020 of the Central Administrative Tribunal (CAT), Principal Bench, of dismissal of OA No.131/2020 preferred by the petitioner impugning the order dated 27th December, 2019 of transfer of respondents no.3 and 4 viz. Suresh Batra & Satya Prakash.

4. The CAT, in the impugned order has recorded, that (i) the petitioner was appointed as Assistant Legal Advisor (ALA) in the Enforcement Directorate in the year 2010 and was promoted on 20th March, 2018 as Deputy Legal Advisor (DLA); (ii) the petitioner, on 29th May, 2018, was transferred from Ahmedabad Zonal Office to Eastern Region, Kolkata; (iii) vide impugned order dated 27th

December, 2019, the respondents no.3 and 4, who were also DLAs in the Enforcement Directorate, were transferred to the offices at Mumbai and Delhi respectively; (iv) the ground raised by the petitioner for challenging the order of transfer of the respondents no.3 and 4 was, that owing to their being transferred to Mumbai and Delhi, the petitioner's chance to be posted to Mumbai or Delhi will be taken away; (v) the petitioner had also filed MA No.714/2020 in the OA No.131/2020 preferred by her, seeking a direction to the respondents no. 1 and 2 to promote the petitioner to the post of Additional Director (Prosecution); (vi) the respondents no. 1 and 2, in their counter affidavit, had pleaded that the petitioner was transferred to Kolkata only on 29th May, 2018 and that the petitioner had not completed the requisite term of the feeder category and as and when acquired eligibility, her case for promotion to Additional Director (Prosecution) shall be considered along with other DLAs; (vii) the respondents no.1 and 2 have their own parameters for affecting transfer of officers and the same is INTER ALIA, dependent upon existence of vacancy and suitability of the concerned officer to be considered for transfer to a particular place; (viii) the petitioner can be considered for promotion as and when the Departmental Promotion Committee (DPC) meets and in case she fulfils the stipulated criteria and no direction as sought, for promoting the petitioner could be issued; and, (ix) the petitioner had no right to challenge the order of transfer of others.

5. The counsel for the petitioner, before us has urged a number of other facts but which are not related to the challenge made in the OA No.131/2020 before the CAT and against the dismissal of which, this petition has been filed. If the petitioner has any other grievances, she will have to ventilate the same before the appropriate forum and not in this writ petition impugning the order of the CAT.

6. Else, we do not find any error requiring interference under Article 226 of the Constitution of India in the order of the CAT dismissing the OA No.131/2020 preferred by the petitioner.

7. There is no merit in the petition. Dismissed.