

(2023) 03 DEL CK 0012

In the Delhi High Court

Case No : Civil Writ Petition No. 2605 Of 2023

Sasi Kumar P

APPELLANT

Vs

Union Of India Through Secretary & Ors

RESPONDENT

Date of Decision : 01-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0012

Hon'ble Judges : Suresh Kumar Kait, J;Mini Pushkarna, J

Bench : Division Bench

Advocate : Bijo Mathew Joy, Manu Krishnan, Virender Pratap Singh Charak, Shubhra Parashar, Prashant Rawat

Final Decision : Disposed Of

Judgement

1. The present petition has been filed by the petitioner seeking setting aside of the order dated 20.09.2022 and 20.12.2022 passed by respondents and to issue a writ of mandamus directing the respondents to give him last leg posting as per Para-61 of chapter XXIV of Record Office Instruction.

2. Counsel appearing on behalf of the petitioner submits that the petitioner had made a representation dated 30.08.2022 for his transfer to the respondents, however, the same has not been placed before the Competent Authority, which amounts to rejection of his representation.

3. Counsel appearing on behalf of the respondents on advance notice submits that various representations have been made by his wife approaching the respondents through VIPS, therefore, vide order dated 28.02.2023 the competent authority has taken the decision to take necessary action under CCS CCA Rules 1965 against the petitioner through unit concerned for bringing the outside influence in the service matter.

4. The case of petitioner is that similarly situated personnel, namely, Suresh K.N. who was posted in the respondent-department on 08.08.2021 and made a request for transfer on 26.04.2022; his representation was recommended to be

decided by the competent authority. However, in the case of petitioner such decision was not taken and he has been directed to approach after completion of two years of the present posting. Counsel for petitioner submits that in this manner, the respondents have discriminated the petitioner.

5. Without going into the controversy and commenting upon the merits of the case, we hereby dispose of the present petition directing the respondents to place petitioner's representation dated 30.08.2022 before the competent authority, who shall take decision within four weeks. The decision so taken shall be communicated to the petitioner within 3 days thereafter. Needless to say if the petitioner is still aggrieved he may challenge the same before the appropriate forum.

6. Consequently, the orders dated 30.09.2022 and 20.12.2022 are hereby quashed and this petition is accordingly disposed of.