

(2021) 04 CAT CK 0053
In the Central Administrative Tribunal
Case No : Original Application No. 783 Of 2021

Sunil Dutt

APPELLANT

Vs

Central Bureau Of Investigation

RESPONDENT

Date of Decision : 12-04-2021

Acts Referred:

Citation : (2021) 04 CAT CK 0053

Hon'ble Judges : L. Narasimha Reddy, J; Pradeep Kumar, Member (A)

Bench : Division Bench

Advocate : Manish Gupta, Neelmani Guha, Hanu Bhaskar

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J

1. The applicant is working as Assistant Sub Inspector in the Central Bureau of Investigation (CBI) and by February, 2021, he was attached to CBI

Academy, Ghaziabad. Through an order dated 25.02.2021, he was transferred to ACB, Vishakhapatnam. He was also relieved from the post. He

made a representation on 27.02.2021 with a prayer to permit him to remain at Ghaziabad citing certain reasons. That was rejected through order dated

16.03.2021. The applicant filed this OA challenging the order of transfer dated 25.02.2021 and the rejection order dated 16.03.2021.

2. The applicant contends that he figured as an accused in criminal case in FIR No. RC 2172019A0001 and it was only on 02.03.2021, that the

Hon'ble High Court of Allahabad granted him bail, keeping the constructive custody. It is also stated that he is under suspension at this stage and

his transfer under these circumstances would not only be contrary to law, but also would lead to several complications, apart from hardship. The

applicant contends that he is due to retire at the end of August, 2021 and the transfer at this stage is not as per settled policy guidelines.

3. We heard Sh. Manish Gupta, learned counsel for the applicant and Sh. Hanu Bhaskar, learned counsel for the respondents, at the stage of admission.

4. The applicant is transferred from Ghaziabad to Vishakhapatnam. It appears to be an administrative transfer. The reason is that, as of now, the

applicant is under suspension and is facing a trial in a criminal case instituted by the CBI itself. The attempt of the CBI appears to be, to keep the

applicant away so that, he does not meddle with the investigation or other proceedings. The bail application of the applicant was rejected earlier and it

seems that he was granted parole, for a limited period. The Honâ??ble High Court delivered the judgment in Criminal Miscellaneous Application No.

46551/2020 on 02.03.2021 granting conditional bail. The conditions incorporated in the order do not prohibit the transfer of the applicant to another

position. The emphasis was only to require him to co-operate with the trial and not to meddle with the evidence. The applicant has already been

relieved. The respondents have rejected the application for retention.

5. We do not find any merit in the OA and the same is accordingly dismissed. There shall be no order as to costs.