Court No. - 21

Case :- WRIT - A No. - 17737 of 2023

Petitioner :- Ravi Narayan Singh
Respondent :- The Union Of India And 3 Others
Counsel for Petitioner :- Shyamal Narain
Counsel for Respondent :- A.S.G.I.,Rajesh Tripathi

Hon'ble Manoj Kumar Gupta,J.
Hon'ble Donadi Ramesh,J.

1. Heard Sri Shyamal Narain, learned counsel for the petitioner and Sri S.P. Singh, learned Additional Solicitor General of India assisted by Sri Rajesh Tripathi, for respondents no. 1, 2 and 3.

2. The principal challenge in the instant petition is to an order dated 17.11.2022 passed by Central Administrative Tribunal in O.A. No. 572 of 2019 rejecting the application of the petitioner for impleadment of C.B.I. as a party-respondent to the proceedings.

3. The Tribunal has held that the C.B.I. is neither a necessary nor a proper party to the proceedings pending before it.

4. The facts in brief are that the petitioner had challenged the order of his transfer along with the post held by him, dated 21.05.2019 passed by respondent no. 3 herein. The application, it seems was contested by the respondents by filing counter affidavit, wherein the respondents inter alia relied on certain letter of C.B.I. recommending for transfer of the petitioner. However, alongwith the counter affidavit, only the covering letter of C.B..I which required the respondents to take necessary action on basis of a Self Contained Note (SCN) was annexed. The SCN was not filed before the Tribunal.

5. The petitioner requested the respondents to supply the SCN but since it was not filed by the respondents therefore, the

petitioner filed application for impleadment of C.B.I. in order to compel it to file the Self Contained Note.

6. The Tribunal considered the plea taken in the impleadment application in this behalf and has rejected the application observing that it is the burden of the respondents to prove the ground of transfer and in case they fail to prove the same or convince the Court, it is the respondents, who would suffer. However, for said reason, C.B.I. would not become necessary or a proper party to the proceedings.

7. Sri Shyamal Narain, learned counsel appearing for the petitioner himself argued that C.B.I. has no say in transfer of 'Group D' employee, the post held by the petitioner. Consequently, C.B.I. would not even be a proper party to the proceedings. In case, transfer has been made by the respondents on recommendation of C.B.I. as is being contended, it is always open to the petitioner to challenge the transfer order on the grounds available on account of the said fact. However, we are of considered opinion that there is no illegality or infirmity in the impugned order of the tribunal which may warrant interference by this Court.

8. At this stage, Sri Shyamal Narain, learned counsel for the petitioner submits that the petitioner would be moving application before the Tribunal with request to the respondents to bring the SCN on record. He submits that there are certain observations in the impugned order, particularly in paragraph 6, which may prejudice the petitioner. Therefore, he submits that it may be clarified that the Tribunal would decide the application without being influenced by any observation made in the impugned order.

9. Sri S.P. Singh, learned Additional Solicitor General of India appearing for the respondents has no objection in case the

aforesaid clarification is made.

10. Accordingly, we **dispose of** the instant petition without interfering with the impugned order but with the clarification that in case any application is filed by the petitioner for direction to the respondents to bring on record the SCN, it would be considered and decided by the Tribunal without being influenced by any observation made in the impugned order.

(Donadi Ramesh, J.) (Manoj Kumar Gupta, J.)

Order Date :- 19.10.2023
Ruhi H.

Digitally signed by :-
RUHI HASAN
High Court of Judicature at Allahabad