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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10390/2015, CM APPL. No. 25999-26000/2015**

Date of Judgment : 4th November, 2015

MILIND MADHUKAR BHUSARI Petitioner
Through : Mr. S. K. Gupta, Advocate.
versus

UNION OF INDIA & ORS. Respondents
Through : Mr. Manish Mohan, CGSC with Ms. Sidhi
Arora and Mr. Shivam Chanana, Advocates.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G. S. SISTANI, J. (ORAL)

CM APPL. No. 25601/02/2015 (Exemption from filing dim/small size font)
CM APPL. No. /2015 (Exemption from filing certified copy of
impugned order) [To be numbered]

1. Exemption allowed subject to all just exception.
2. Application stands disposed of.

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3. The petitioner is aggrieved by the order dated 01.10.2014 passed by the Central Administrative Tribunal (CAT) by which OA assailing the order of transfer stands dismissed.
4. Mr. Gupta, learned counsel for the petitioner submits that reading of the order by which the earlier representation of the petitioner was rejected would show that the ground for transfer was that a major penalty had been levied on the petitioner on 23.08.2013 as per the advice of UPSC. He further submits that the Tribunal has failed to take into account that infact that chargesheet itself stands quashed and thus the ground for transfer would no longer be available to the respondent. Learned counsel additionally submits that the petitioner and his family members

are suffering from acute hardship besides the fact that he was transferred without taking into account the transfer policy of 2010.

5. Mr. Manish Mohan, learned counsel for the respondent submits that the order of transfer was simply for administrative reasons and beside the fact that many other officers were transferred.
6. At this stage, learned counsel for the petitioner seeks leave to make a fresh representation on account of change of circumstances more particularly the fact that chargesheet against the petitioner has been quashed. He prays for a direction to the respondent that the representation of the petitioner may be considered sympathetically having regard to the subsequent events.
7. In view of the above, we dispose of the present writ petition along with all pending applications. We grant leave to the petitioner to make a fresh representation to the respondent. We request the respondent to consider the representation in accordance with law and take into consideration the subsequent events. The representation shall be decided within a period of three weeks from the receipt of the representation.
8. Writ petition along with all pending application are dismissed as not pressed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

NOVEMBER 04, 2015

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