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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11370/2016

ARVINDER SINGH DUTTA

..... Petitioner

Through Mr. Anand Mishra, Mr. Hemant Kumar
& Mr. Utkarsh Tripathi, Advocates.

versus

UNION OF INDIA

..... Respondent

Through Ms. Sangita Rai, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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02.12.2016

Arvinder Singh Dutta by this writ petition impugns the order dated 27th May, 2016 whereby his OA No. 3111/2012 has been dismissed by the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) for several reasons and grounds, including that the OA itself was infructuous.

2. The petitioner, a Principal Private Secretary in the Ministry of External Affairs was transferred to Embassy of India, Kabul in 2010 for a period of two years. He had sought extension for a period of one year on voluntary basis relying upon order No. Q/GA/663/1/98 dated 7th November,

2003. As the said request had remained pending, he had filed OA No. 3111/2012 praying for the following reliefs:-

“It is, therefore, respectfully and humbly prayed to this Ld. Tribunal that the Ld. Tribunal may be pleased to:

8.1 Set aside the impugned transfer order dated 22.08.2012 and direct the Respondent to not to disturb the posting of the Applicant till the expiry of three years of his posting with all the consequential benefits;

8.2 Quash the operation of resolution of 206th Meeting of the SEB held on 09.08.2012 to the extent showing the post of the Applicant as ‘vacant’ on 21.09.2012; and

8.3 pass such further order/s in the interest of justice and in favour of the Applicant as this Ld. Tribunal may deem fit and proper.”

3. Interim relief was not granted and consequently the petitioner returned to India in September 2012 and thereafter was posted at the Headquarters.

4. The petitioner has been working at the Headquarters in Delhi since September, 2012.

5. The Tribunal while holding that the OA had become infructuous had also noticed that on three occasions the OA was dismissed in default and

was restored.

6. Referring to the office order dated 7th November, 2013, the Tribunal has observed that the order had stipulated that a request for extension of time by personnel working in Afghanistan would be considered, provided the said request was on voluntary basis. There was no mandate or compulsion to accept the request when made. The respondents had considered the request and had not acceded to the request for continuation.

7. Learned counsel for the petitioner submits the request should have been answered by a speaking and reasoned order. These are matters of administrative exigencies, needs and requirements. Several aspects relating to administration are required to be taken into consideration. The Tribunal's order refers to these aspects in the case of the petitioner. It is not the case of the petitioner that any officer had acted maliciously and malafidely. The writ petition has no merit and is dismissed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

**DECEMBER 02, 2016
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