

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2608 of 2016

Union of India
through the Secretary. Petitioner

Versus

Mr. Vivek Batra Respondent

Mr. Neel Helekar I/by. Mr. Anand Singh for Petitioner.
Mr. Sandeep V. Marne for Respondent.

**CORAM : R. M. BORDE AND
 A. S. GADKARI, JJ.
DATE : FEBRUARY 14, 2017.**

P.C.

. The Petitioner – Union of India is objecting to the order passed by Central Administrative Tribunal, Mumbai on 4th July, 2016, directing the Petitioner herein to file an affidavit putting verbatim the reasons placed by the Local Placement Committee in issuing order of transfer of the Original Applicant as well as the Vigilance Input given to the Local Placement Committee, on which the said Local Placement Committee relied to issue the order of transfer. It further directed that such an affidavit shall be filed

within three weeks after serving the copy of the affidavit on the learned counsel for Respondent.

2. It is the contention of the Petitioner that the Vigilant Report or Input given to the Local Placement Committee is not a matter of disclosure to the original applicant and apart from the fact that directions issued by the Tribunal for deciding controversy of transfer of the original applicant from one office to another office within the city of Bombay is irrelevant. We refrain from making any comment in respect of the challenge raised by the original applicant before the Tribunal concerning his transfer within the city of Bombay, however, according to us, ends of justice should be met if the Petitioner – Union of India is directed to produce the relevant record which would be required by the Tribunal for deciding controversy arising in the Original Application presented by the Respondent – employee. It would be open for the Tribunal to direct the Petitioner to produce relevant record for dealing with controversy relating to transfer of the original applicant and it would be obligatory on the part of the Union of India – Petitioner herein to place such relevant record for perusal of the Tribunal with a view to facilitate decision making process.

3. The directions issued by the Tribunal in respect of presentation of an affidavit contained in paragraph no. 7 of the order stands set-aside.

4. The learned Counsel appearing for Petitioner, on instructions, states that the Petitioner would produce relevant record as and when required by the Tribunal for taking appropriate decision in the Original Application presented to the Tribunal.

5. In view of the undertaking tendered on behalf of the Petitioner, the instant writ petition can be conveniently disposed of.

6. The writ petition is accordingly disposed of.

[A. S. GADKARI, J.]

[R. M. BORDE, J.]