

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11313 OF 2018

Arvind R. Vetkar

... Petitioner

Versus

Union of India and others

... Respondents

.....

Mr. Vicky A. Nagrani for the Petitioner.

Mr. Mandar Limaye for the Respondents.

.....

CORAM : A. S. OKA AND M. S. SONAK, JJ.

DATE : 05th OCTOBER, 2018.

P. C.:

1. Not on board. Taken on board.

2. Heard the learned Counsel appearing for the parties. The learned Counsel appearing for the respondents produces on record a copy of movement order dated 19th September, 2018 passed by the Senior Administrative Officer. The same is taken on record and marked as "O-1" for identification. When this order was shown to the learned Counsel for the petitioner, initially, he stated that the petitioner has not received the same. However, when he showed the said order to the petitioner who is present in person, he accepted that the said order was served upon him on 24th September, 2018. The said order records that an effect has been given to the order of transfer and in fact permanent security pass issued to the petitioner has been withdrawn.

3. In our view, this document taken on record marked “O-1” ought not to have been suppressed by the petitioner while filing Original Application. A copy of the said document is also not annexed to this petition.

4. By the impugned order, the Central Administrative Tribunal has declined to grant ad-interim relief of stay to the order of transfer. The petitioner had sought discretionary and equitable relief. In view of suppression of the said order dated 19th September, 2018 (taken on record and marked as “O-1”), the Tribunal was fully justified in not granting ad-interim relief. Suppression of the said document is also a sufficient ground for declining to entertain this petition under Article 226 of the Constitution of India. Accordingly, the writ petition is rejected.

(M. S. SONAK, J.)

(A. S. OKA, J.)

Shridhar
Marutirao
Sutar

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Shridhar Marutirao
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Date: 2018.10.09
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