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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 10027/2018 & C.M. No.39076/2018 (for stay)
JAYANT KASHMIRI Petitioner
Through Mr.Mr.Karan Knanuja, Adv. with
Mr.Sumer Singh, Adv. & Mr.Sachin
Choudhry, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION
AND ANR. Respondents
Through Mr.Ripu Daman Bhardwaj, Adv. with
Ms.Shampa Tikait, P.P., CBI for R-1
& 2.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **05.10.2018**

C.M. No.41555/2018 (By the petitioner to place on record Additional Documents)

1. The present application has been filed by the petitioner for seeking permission to file annexures A-9 to A-12 as additional documents.
2. Learned counsel for the petitioner states that the documents sought to be filed were part of the record before the Tribunal and had inadvertently not been filed earlier.
3. The prayer made in the application is allowed. The documents are taken on record.
4. The application is disposed of.

W.P.(C) No.10027/2018

1. The petitioner is aggrieved by the order dated 20.08.2018 passed by the Central Administrative Tribunal in OA No.2251/2017, challenging his transfer order dated 24.06.2017 on the ground that it is punitive in nature. The Tribunal has, however, dismissed the Original Application filed by the petitioner on the ground that the organization in which the petitioner served, namely, Central Board of Investigation (CBI), is a sensitive organization and the decision regarding desirability or otherwise of retaining employees in the organization needs to be left to the department.
2. On examining the stand that was taken by the respondents before the Tribunal during the pendency of the captioned OA, it transpires that on 12.07.2017, counsel for the respondent/CBI had in no uncertain terms stated before the Tribunal that the petitioner had been transferred on account of a complaint received against him. This runs contrary to the Office Order dated 24.06.2017 issued by the respondent/CBI wherein it has simply been stated that the petitioner has been transferred to Chennai on administrative grounds.
3. We may note that after dismissal of the captioned OA, the respondents have issued an order dated 04.09.2018, relieving the petitioner from his duties on his transfer to Chennai on administrative grounds and the petitioner was granted earned leave upto 30.09.2018 besides joining time to report at his new place of posting.
4. When the matter was taken up on 24.09.2018, counsel for the

respondents had sought time to obtain instructions. On the next date i.e. 26.09.2018, learned counsel for the respondents had stated that the petitioner had not filed the entire pleadings before the Tribunal with the writ paper book. The said deficiency has now been made good by the learned counsel for the petitioner.

5. In the course of arguments, learned counsel for the respondents states on instructions from Ms.Shampa Tikait, P.P., CBI, that the Office Orders dated 24.06.2017 and 04.09.2018, may be permitted to be withdrawn while reserving the right of the respondents to issue a fresh order in respect of the petitioner in accordance with law. Leave as prayed for is granted. The impugned orders are quashed and set aside.

6. The petition is disposed of along with the pending application.

7. The petitioner is directed to report to his present place of posting at New Delhi today itself in the afternoon session by 2:30 p.m.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 05, 2018/aa