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

+ **W.P.(C) 11966/2018**

THE STATE OF WEST BENGAL

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
Raja Chatterjee, Adv.

versus

RAJ KARAN NAYYAR & ANR

..... Respondent

Through: Mr. A.K. Behera with Mr. A.P. Singh,
Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

02.11.2018

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CAV No. 1018/2018

The caveator has appeared. The caveat stands discharged.

W.P.(C) 11966/2018 & C.M. No. 46379/2018

The State of West Bengal has preferred the present writ petition to assail the order dated 06.09.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 2707/2018, preferred by the respondent No.1. The respondent is an IPS officer of 2012 Batch. He was allotted the West Bengal Cadre. Subsequently, he got married to an IPS officer who was allotted UP Cadre. Accordingly, he applied to the Central Government for change of his cadre from West Bengal to U.P. After obtaining the concurrence of the concerned States,

namely, the State of West Bengal and the State of U.P., the Central Government issued a notification dated 12.09.2017 – changing the allocation of the respondent No.1 from the State of West Bengal to the State of U.P.

The grievance of the respondent was that despite the order dated 12.09.2017, he was not relieved by the State of West Bengal for a year. Consequently, he preferred the Original Application which has been allowed by the Tribunal by observing that there was no justification on the part of the State of West Bengal not to relieve the respondent applicant.

Mr. Mathur, learned senior counsel for the petitioner – State of West Bengal submits that having granted its consent, the State of West Bengal is bound to relieve the respondent No.1, and it does not grudge his grievance. At the same time, the State of West Bengal is short of competent and experienced officers, and needs some more time to relieve respondent No.1. He submits that two officers are undergoing training and they shall be joining the services shortly. He submits that, in any event in case, another three months extension is granted, the respondent No.1 shall be relieved positively on or before 28.02.2019.

Learned counsel for respondent No.1 submits that the order dated 12.09.2017 has been frustrated as, despite the instructions to the Chief Secretary, State of West Bengal to relieve the respondent No.1 immediately, he has not been so relieved by the State of West Bengal.

Considering the overall circumstance, we grant time to the petitioner up to 28.02.2019 to relieve the respondent No.1 so that he can join his services with the State of U.P. It is made clear that no further extension shall be sought or granted and, in case, no express order is passed relieving the respondent No.1 from his services by the State of West Bengal, he shall

be deemed to have been relieved on 28.02.2019 and it shall be open to him to join the services with the State of U.P.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 02, 2018

N.Khanna