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

Date of Decision: 13.09.2019

+ W.P.(C) 9793/2019 & CM APPL. No. 40411/2019

THE STATE OF WEST BENGAL Petitioner
Through: Mr. Raja Chatterjee &
Ms.Abhinandini Yadav, Advs.

versus

ABIJEET SINGH AND ORS. Respondents
Through: Mr. Saurabh Kirpal & Mr. Jayant
Mohan, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE G.S. SISTANI
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

The petitioner is aggrieved by order dated 06.05.2019 passed by the Central Administrative Tribunal ("Tribunal").

2. Respondent No. 1, an IPS officer, was allotted the West Bengal cadre. Respondent No. 1 married an officer of the Indian Forest Service who was allotted the Rajasthan Cadre.

3. Subsequently, respondent No. 1 approached the Central Government to change his cadre from West Bengal to Rajasthan. An application was made on 27.05.2014. The Governments of Rajasthan and West Bengal gave

no-objection to the request made by respondent No. 1.

4. A notification to that effect was issued on 10.04.2018 by the Cadre Controlling Authority, viz. the Ministry of Home Affairs. The Central Government accordingly transferred respondent No. 1 from West Bengal IPS cadre to the Rajasthan IPS cadre on the ground of his marriage with Ms. Savita Dahiya.

5. This order was however not complied with since respondent No. 1 was not relieved from the West Bengal, IPS Cadre. Resultantly, respondent No. 1 filed an OA before the Central Administrative Tribunal seeking appropriate directions which were so passed.

6. Learned counsel appearing for the petitioner contends at the very outset, that the petitioner has all intentions to comply with the order for change of cadre and also the directions passed by the Tribunal. However, since there is shortage of officers, the orders could not be complied with. He seeks reasonable time to comply with the orders passed.

7. Notice to show cause as to why this petition be not admitted.

8. Mr. Saurabh Kirpal, learned counsel accepts notice on behalf of respondent No. 1, the contesting respondent. He fairly states that the court may grant reasonable time to the petitioner to comply with the notification issued as far back as on 10.04.2018 and the order of the Central Administrative Tribunal dated 06.05.2019 .

9. Having heard the learned counsel for the parties, we deem it appropriate to extend the time granted by the Tribunal for compliance of its order dated 06.05.2019 ; and we direct that Respondent No. 1 shall be relieved by the petitioner on or before 31.10.2019.

10. Having regard to the fact that the notification of the Central

Government was passed as far back as on 10.04.2018, we make it clear that no further extension will be sought or granted to the petitioner ; and if for any reason this order is not complied with, respondent No. 1 shall stand relieved from the IPS cadre of the State of West Bengal *w.e.f* 01.11.2019 and shall join the services of the Rajasthan Cadre.

11. With these directions, the present petition and the pending applications are disposed of.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 13, 2019/*uj*