

19.06.2024

rpan/02

WPCT 293 of 2009

Shri Debnath Chowdhury

- *Versus* -

Union of India & Others

and

IA No.: CAN 1 of 2023

In Re.: Union of India & Others

- **Applicants**

Mr. Syed Shahid Imam,
Mr. Subhojit Seal,
Md. Shahbaaz Khan,
Md. Khairul
... for the Petitioner.

Mrs. Chandreyi Alam (Gupta)
...for the Respondents/Applicants.

Records reveal that the petitioner herein initially challenged before the learned Tribunal an order of transfer dated 22nd October, 2009 by which he was transferred to Bhubaneswar. The learned Tribunal, however, dismissed the OA 1544 of 2009 on 25th November, 2009. Aggrieved thereby, the petitioner preferred the present writ petition in which initially an interim order was passed on 1st February, 2010. Thereafter, the petitioner filed a contempt petition referring to orders dated 19th April, 2018 and 7th May, 2018 passed by the Superintendent of Police CBI ACB Kolkata and alleging violation of the interim order passed in the writ petition. The said contempt application was, however, dismissed by an order dated 31st July, 2009. Thereafter, the respondents had filed an application for vacating the interim order, being IA No.: CAN 1 of 2023.

Mr. Imam, learned advocate appearing for the petitioner submits that the vacating application has been preferred without explaining the delay in preferring the said application. The dispute pertaining to the petitioner's transfer to Bhubaneswar is yet to be finally decided in the present writ petition.

Mrs. Alam (Gupta), learned advocate appearing for the respondents/applicants, however, submits that during pendency of the present writ petition, the Superintendent of Police CBI ACB Kolkata by orders dated 19th April, 2018 and 7th May, 2018 has directed the petitioner to report for duty at his new headquarter i.e. CBI, HO, New Delhi.

It thus appears that the initial order dated 22nd October, 2009 transferring the petitioner to Bhubaneswar is no longer subsisting since by subsequent orders dated 19th April, 2018 and 7th May, 2018, the petitioner has been directed to report to CBI, HO, New Delhi.

In view thereof, the present writ petition has become infructuous and the same is, accordingly, dismissed. The interim order passed earlier stands vacated and accordingly, the vacating application, being IA No.: CAN 1 of 2023 is also disposed of.

It is, however, made clear that dismissal of the present writ petition shall not prevent the petitioner from challenging the orders dated 19th April, 2018 and 7th May, 2018 passed by the Superintendent of Police CBI ACB

Kolkata before the appropriate forum, if so advised and in accordance with law.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Supratim Bhattacharya, J.) (Tapabrata Chakraborty, J.)