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

+ **W.P.(C) 10856/2024 and CM APPL. 44667-44669/2024**

GOVT. OF WEST BENGAL

.....Petitioner

Through: Ms. Madhumita Bhattacharjee,
Advocate.

versus

SHUBHANWITA & ANR.

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC with
Ms. Yashika Garg and Mr. Chandan
Prajapati, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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06.08.2024

1. The present petition has been filed under Articles 226 and 227 of the Constitution of India seeking quashing and setting aside of order dated 03.05.2024 in O.A. No.3237/2023 passed by the learned Central Administrative Tribunal ('Tribunal'), whereby petitioner has been directed to grant and issue a 'No Objection Certificate' to respondent No. 1 within four weeks or else it shall be deemed to have been issued. Direction is also issued to Union of India to take action for cadre transfer of respondent No. 1 from West Bengal cadre to Karnataka cadre and to relieve her to join duties in State of Karnataka.
2. Notice issued.
3. Learned CGSC accepts notice on behalf of respondent No. 2/UOI and has placed before this Court copy of Communication dated 14.06.2024



issued by Ministry of Home Affairs, Government of India, vide No.I-11014/20/2023-IPS.IV, whereby in compliance of order dated 03.05.2024 passed by the learned Tribunal, the Central Government has transferred respondent No. 1 from West Bengal cadre to Karnataka Cadre on the ground of her marriage with Mr.Shubham Shukla, IAS of Karnataka Cadre 2022.

4. Learned CGSC also submits that the requirement of issuance of 'No Objection Certificate' by petitioner is just a formality, which does not create hindrance in relieving the officers.

5. Since directions given vide order dated 03.05.2024 are not complied with by the petitioner-State of West Bengal, and No Objection has not been issued and granted time has elapsed, it is deemed to be issued, as has been directed by learned Tribunal. Thus, there is no hindrance of respondent No. 1 in joining duties in the State of Karnataka.

6. With aforesaid, the present petition is disposed of with direction to the petitioners to comply with order dated 03.05.2024 as directed by learned Tribunal.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA, J

AUGUST 6, 2024/uk