

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10869/2001

(From the judgement and order dated 25/06/2001 in WP 43/00  
of The High Court of Chhatisgarh at Bilaspur)

DINESH KUMAR UPADHYAYA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.  
( With Appln(s). for exemption from filing O.T. )

Respondent (s)

Date : 18/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Dhruv Mehta, Adv.  
Ms. Shobha, Adv.  
Ms. Anu Mehta, Adv.  
M/s K.L. Mehta & Co.,Adv.

For Respondent (s) Mr. Prakash Shrivastava,Adv.  
  
Mr. R.N. Poddar,Adv.  
  
Mr. Mukul Rohtagi, ASG  
Mr. B.V. Balaram Das,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Having regard to the later guidelines indicating the cadre transfer of an All India Service officer and having regard to the hardship which the present petitioner has suffered while he was in Tripura, prima facie we feel that a case under hardship had been made out. An affidavit, however, has been filed on behalf of the Environment Ministry indicating that the petitioner prays for ex-cadre transfer from Tripura to M.P.(now

-2-

State of Chhattisgarh) has been examined but the Ministry is of the view that the petitioner's prayer cannot be allowed. In a matter of transfer of cadre of an All India officer, the appropriate ministry is the Ministry of Personnel. We, under the circumstances direct the Secretary, Ministry of Personnel to examine this matter

in the light of the new guidelines and the circumstances under which the petitioner has been making the prayer and consider his case sympathetically and file an affidavit as to whether he could be transferred or not. This may be done within four weeks from today.

Put up after four weeks.

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Hemalatha

(Suneet Bala Sharma)  
Court Master