

V  
T.P.(C) No. 522-523 OF 2003  
ITEM No.203

Court No. 6

SECTION XVIA  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) Nos.522-523/2003

UNION OF INDIA & ORS.

Petitioner (s)

VERSUS

R.N.SINGH & ORS.

Respondent (s)

(With appln.(s) for intervention and vacating stay and office  
Report)  
( For Final Disposal )

Date : 03/12/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Ghoolam E. Vahanvati, SG  
Mr. R.M. Sharma, Adv.  
Mr. Hemant Sharma, Adv.  
Mr. B.K. Prasad, Adv.  
Mr. D.D. Kamath, Adv.  
Mr. D.S. Mahra, Adv.  
Mrs. Anil Katiyar, Adv.

For Respondent (s)Mr. P. Narasimhan,Adv. (N.P.)  
Ms. Malini Poduval,Adv. (N.P.)  
Mr. Prem Sunder Jha,Adv.(N.P.)

UPON hearing counsel the Court made the following  
O R D E R

Despite service of notice, the respondents are neither present nor represented.  
The transfer petitions are allowed in terms of the signed order.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NOS.522-523 OF 2003

Union of India & Ors. ... Petitioners

Versus

R.N. Singh & Ors. ... Respondents

O R D E R

Despite service of notice, the respondents are neither present nor represented. These transfer petitions are filed seeking transfer of Civil Misc. Writ Petition No.2723/2003 (R.N. Singh vs. Union of India & Ors.) pending before the High Court of Allahabad, Lucknow Bench and O.P.No. 14674/2003 (P.Williams vs. Union of India & Ors.) pending before the Kerala High Court at Ernakulam on the ground that in both the writ petitions identical issues arise for consideration before the two High Courts relating to appointment of Member to the Appellate Tribunal for Foreign Exchange under Section 18 of the Foreign Exchange Act, 1999. The grounds urged in these transfer petitions are that the respondents herein (writ petitioners) are trying to stall the selection process which has been done by a Selection Board headed by Hon'ble Judge of this Court as nominated by Hon'ble Chief Justice of India; the selection process has been set in motion and the respondents are trying to frustrate the same; because of the identical issues arising in two writ petitions before two different High Courts, there is likelihood of conflicting decisions; in case of conflicting decisions on the issues, ultimately petitions have to be filed before this Court which will cause burden on the petitioners. Learned Additional Solicitor General made submissions in support of these grounds. As already noticed above, there was no representation on behalf of the respondents. Looking to the grounds stated in the transfer petitions, we are satisfied that the petitioners have made out a case for withdrawing the said writ petitions to this Court for disposal. The transfer petitions are accordingly allowed.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[B.N. SRIKRISHNA]  
NEW DELHI  
DECEMBER 03, 2004.