
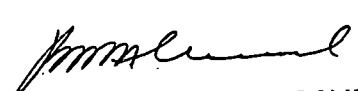


Sr. No.	Date	Orders
		<p>02.6.2003</p> <p>Present : Mr.A.K.Ganguly, Sr.Advocate with Mr.Arun K.Sharma, Advocate for the petitioner.</p> <p><u>CW 4005/2003</u></p> <p>Petitioner is a DANICS Cadre Officer holding the post of Controller of Weights and Measures since September 2001. He was ordered to be transferred to Andaman and Nicobar by order dated 9.5.2002. He made a representation against this order complaining that under the policy his seniors were ^{to be - b} considered for transfer first. On this his transfer was deferred. He was eventually ordered to be relieved on 12.12.2002 by Delhi Administration. He challenged this and was required to make a representation which was ultimately rejected. His OA 479/2003 was also dismissed by the Tribunal by order dated 26.5.2003.</p> <p>Petitioner in effect challenges his transfer on the ground that his seniors had gone untouched in violation of the prevailing policy and that he could not be transferred to a ex-cadre post under the Rules. The stand of the respondent is that his seniors were transferred by order dated 27.1.2003 and that respondent No.2 had not relieved them till date. On the other issue, it is submitted that rules does not debar any any posting to an ex-cadre post and this plea was premature at this stage as petitioner's posting orders were yet to be passed.</p> <p>We have examined the impugned order and, in our view, the</p>

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Sr. No.	Date	Orders
		<p>only surviving issue that remains to be considered is whether petitioner was entitled to a similar treatment like his seniors. According to him his seniors were not being relieved but he was being picked up for differential treatment and was being relieved by Respondent No.2.</p> <p>It is not known whether petitioner's seniors were being retained by Delhi Administration on administrative exigency. Be that as it may, it was for petitioner to approach Delhi Administration in this regard and to seek appropriate orders. He may do so within one week from today and concerned authority is also directed to examine this aspect of the matter and pass appropriate orders thereon within one week thereafter.</p> <p>Status^{quo} as on today shall be maintained in respect of petitioner's present status and position for two weeks only.</p> <p>Petition is disposed of accordingly.</p> <p>Dasti.</p> <div style="text-align: right;">  B.A. KHAN, (VACATION JUDGE) </div> <div style="text-align: right; margin-top: 20px;">  BADAR DURREZ AHMED, J. (VACATION JUDGE) </div> <p>June 02, 2003. da</p>