
(2021) 12 DEL CK 0217

In the Delhi High Court

Case No : Civil Writ Petition No. 14804 Of 2021, Civil Miscellaneous Application
No. 46628-30 Of 2021

Rajesh Kumar Dahiya

APPELLANT

Vs

Ministry Of Railways And Anr

RESPONDENT

Date of Decision : 22-12-2021

Acts Referred:

Citation : (2021) 12 DEL CK 0217

Hon'ble Judges : Rajiv Shakdher, J; Talwant Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. Issue notice.

1.1. Mr Jagjit Singh accepts notice on behalf of the respondents.

2. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.

3. The writ petition is directed against the order dated 26.11.2021, passed by the Central Administrative Tribunal [in short "the Tribunal"] in O.A.

No.2644/2021.

3.1. Mr Manjeet Singh Reen, who appears on behalf of the petitioner [i.e., the original applicant], says that the petitioner is aggrieved by the fact that

neither the main matter nor his interim application, preferred in the main matter, has not been disposed of by the Tribunal.

3.3. According to the counsel for the petitioner, twice opportunity has been given to the respondents, to file a reply to the interim application, filed on

behalf of the petitioner.

3.4. We are informed that the matter was listed on 15.12.2021, which is, the date adverted to in the impugned order. We are told that the matter has, once again, been adjourned to 07.01.2022.

4. To be noted, even according to the counsel for the petitioner, a charge sheet dated 18.02.2021 has been served on the petitioner.

4.1. The respondents intend to effect inter-divisional transfer, vis-à-vis the petitioner. Pertinently, if this intention is given effect to, the petitioner

would be required to move from Delhi to Ambala Division; this aspect, inter alia, is referred to in order dated 08.10.2021, passed by the respondents

[post a direction issued by the Tribunal, vide order dated 13.04.2021, in OA No. 829/2021].

4.2. According to the petitioner, inter-divisional transfer cannot take place while the charge is being enquired into, by the respondents. This is a legal

aspect which the Tribunal will surely consider, while dealing with the O.A. and the interlocutory application, filed by the petitioner.

5. The writ petition is disposed of, with a request to the Tribunal to take up the main matter or at least the interlocutory application on 07.01.2022.

6. In the interregnum, respondents will not take any precipitate steps against the petitioner.

7. Consequently, pending applications shall stand closed.

8. Parties will act based on the digitally signed copy of the order passed today.