
(2025) 12 CAT CK 1701

In the Central Administrative Tribunal, Principal Bench: New Delhi

Case No : Original Application No. 5001 Of 2025

Yogesh Kumar

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 30-12-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2025) 12 CAT CK 1701

Hon'ble Judges : Manish Garg, Member (J)

Bench : Single Bench

Advocate : B L Wanchoo, Gagan Chawla

Final Decision : Disposed Of

Judgement

Manish Garg, Member (J)

1. In the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks the following reliefs:

“(i) To quash and set aside the impugned order dated 24.10.2025 under which the applicant has been transferred from Delhi to Dehradun in violation of transfer policy of the department itself.

(ii) To direct the respondents to retain the applicant in Delhi Division as he is having left over 2 years of service and is covered under the transfer policy of the CPWD.

(iii) Pass any further order as this Hon'ble Tribunal deems fit in the facts and circumstances of the case.”

2. Learned counsel for the applicant submits that the applicant joined the Central Public Works Department (CPWD) as a Peon on 06.01.1968 and was promoted as Lower Division Clerk (LDC) on 21.04.1983, and thereafter as Upper Division Clerk (UDC) on 18.07.2009. After rendering long and unblemished service, the applicant was promoted to the post of Office Superintendent (OS) vide order

dated 08.10.2025.

3. Learned counsel submits that pursuant to the promotion order, the applicant was asked to furnish three options for the place of posting. In response thereto, the applicant submitted his preferences as under:

Preference No. 1: Delhi

Preference No. 2: Ghaziabad, Uttar Pradesh

Preference No. 3: Haridwar, Uttarakhand

4. Learned counsel for the applicant submits that despite the aforesaid preferences, a posting order dated 24.10.2025 was issued in respect of 64 officials, whereby the applicant was posted to Dehradun, which was not one of the places opted by him. Learned counsel points out that out of the said 64 officials, 24 employees were retained at Delhi, whereas the applicant's request for posting/retention at Delhi was disregarded, thereby subjecting him to hostile discrimination and unequal treatment.

5. Learned counsel further submits that the applicant is due to retire in January, 2028 and is left with only about two years of service. As per the CPWD Manual, Chapter 12, Para 12.6(j)(v) under the head Office Superintendent, officials who have attained the age of 57 years are ordinarily not to be transferred from their existing station unless the individual seeks such transfer on compassionate grounds. The applicant squarely falls within the ambit of the said provision and has never sought a change of station on any compassionate or other grounds.

6. It is contended that the impugned posting order dated 24.10.2025, insofar as it relates to the applicant, is contrary to the CPWD Manual, arbitrary, discriminatory, and violative of the principles of equality. Learned counsel submits that the action of the respondents in ignoring the applicant's preferences while retaining several similarly placed officials at Delhi is unsustainable in law.

7. Learned counsel for the applicant submits that the applicant has already made several representations, placed at Annexure A/2 and Annexure A/3 (colly.), which are still pending consideration before the competent authority.

8. Accordingly, the Original Application is disposed of with the following directions:

(i) The competent authority shall consider and decide the applicant's pending representations by passing a reasoned and speaking order, in accordance with law and in light of the policy governing the subject, preferably within four weeks from the date of receipt of a copy of this order.

(i) Till the disposal of the aforesaid representation, the applicant shall not be relieved pursuant to the impugned order.

9. It is clarified that this Tribunal has not expressed any opinion on the merits of the case and all contentions of the parties are left open.

10. Pending M.A.s, if any, shall also stand disposed of accordingly. No order as to costs.