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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010383582026

+ **W.P.(C) 11912/2026 and CM APPLs. 55217/2026 and 55218/2026**

MS. ANJU AHUJA

.....Petitioner

Through: **Mr. M.D. Jangra, Advocate**

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr. Siddharth, Standing Counsel for ESIC with Ms. Himanshi Girdhar and Mr. Deepanshu Grover, Advocates**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

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24.08.2026

1. This writ petition challenges order dated 11 August 2026 passed by the Central Administrative Tribunal¹ in OA 2274/2026.

2. The OA assailed order dated 10 April 2026, transferring the petitioner from ESIC Headquarters to the ESIC Regional Office at Ahmedabad.

3. Mr. Jangra, learned counsel for the petitioner had, on 18 August 2026, advanced a submission that, on 28 July 2026 when the OA was heard by the Tribunal, the matter was listed only for hearing on



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interim relief. We had, therefore, called upon Mr. Jangra to place the orders of the Tribunal passed in the OA on record.

4. We have perused the orders. There appears to be some ambiguity in the matter as there is an earlier order dated 23 June 2026 directing that the OA be listed for hearing on interim relief on 9 July 2026 and, thereafter, on 20 July 2026, the Tribunal has directed the OA to be listed.

5. At the same time, it is also recorded in the impugned order that no detailed counter affidavit was filed by the respondents in the OA and only a response to interim relief was filed.

6. Instead of entering into this controversy, we have heard Mr. Jangra on the merits of the matter. We deem it appropriate to reproduce paras 13 to 15 of the impugned order thus:

“13. At the same time, the earlier order of this Tribunal in O.A. No. 1465/2026 dated 08.04.2026 required the respondents to dispose of the applicant's representation by a reasoned and speaking. Having perused the order dated 16.06.2026 (Annexure A-2), and noting that only a reply to interim relief and no detailed counter has been filed, we are of the view that the applicant's specific grounds namely, her spouse's medical condition and employment, her own health and proximity to superannuation, her caregiving responsibilities, and the alleged disparate treatment similarly situated Social Security Officers deserve a genuine and considered application of mind, which is not fully reflected in the impugned order of rejection.

14. At the same time, the settled position, reiterated in *S.C. Saxena v. Union of India*², is that a Government servant must first comply with the order of transfer and join at the transferred place, and thereafter pursue his or her representation; the tendency of not



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reporting at the place of posting and instead resorting to litigation cannot be countenanced.

15. In view of the foregoing, this Original Application is disposed of with the following directions:

- (i) The challenge to the impugned transfer order dated 10.04.2026 (Annexure A-1) and the relieving order dated 17.06.2026 (Annexure A-3) is rejected, and the applicant shall report for duty at Regional Office, Ahmedabad, as directed;
- (ii) The applicant is granted liberty to submit a fresh, consolidated representation, along with supporting medical and other documents, within two weeks of joining, setting out her grounds of spouse co-location, health, caregiving obligations and alleged discrimination.
- (iii) The respondents shall consider and decide such representation strictly in accordance with the Transfer Policy dated 18.12.2024 and the applicable DoPT Office Memoranda, by a reasoned and speaking order, within eight weeks of its receipt, and shall communicate the decision to the applicant;
- (iv) It is made clear that this Tribunal has expressed no opinion on the merits of the applicant's grounds, which shall be considered uninfluenced by any observation made therein."

7. A reading of paras 13 to 15 of the impugned order make it clear that, while para 13 of the impugned order is clearly in favour of the petitioner, the Tribunal has rejected the challenge to the transfer order providing no reasons whatsoever for the rejection. One can only surmise that the rejection is relatable to the observations in para 14 of the judgment in which the Tribunal has, relying on the judgment of the Supreme Court in *S.C. Saxena*, observed that a transferee is required to join at the place of transfer before challenging the transfer order. As this appears to be the sole basis of the rejection of the petitioner's challenge to his transfer order, we have to examine



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whether, *prima facie*, this reason can sustain.

8. The order of transfer of the petitioner was passed on 10 April 2026. The petitioner represented against the transfer order on the very same day and followed up the representation with OA 1465/2026 before the Tribunal. By order dated 8 April 2026, the Tribunal directed that the petitioner's representation be decided on merits by a reasoned and speaking order. That order came to be passed by the respondent on 16 June 2026. On the very next day, i.e. on 17 June 2026, the petitioner was relieved from his posting. The petitioner approached the Tribunal on the next day i.e. on 18 June 2026 and on 19 June 2026, the matter was taken up by the Tribunal for hearing.

9. It is clear, therefore, that the petitioner had no opportunity to join at the place of posting before filing the OA. At the cost of repetition, we may note that the order rejecting the petitioner's representation was passed on 16 June 2026. The petitioner was relieved on the very next day i.e. 17 June 2026 and the petitioner filed OA before the Tribunal on 18 June 2026. There was, therefore, we reiterate, no opportunity for the petitioner to join at the place of transfer before filing the OA.

10. We may note that learned counsel for the respondent, in response to a suggestion from the Bench in that regard, fairly acceded to the OA being disposed of by setting aside the impugned order and remanding the OA for a decision to the Tribunal for consideration on merits.



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11. Accordingly, the impugned order dated 11 August 2026 is quashed and set aside.

12. OA 2274/2026 is remanded for consideration by the Tribunal *de novo* on merits uninfluenced by the order dated 11 August 2026. We direct the respondents to positively file its response to the OA within one week from today with advance copy to learned counsel for the petitioner who may file rejoinder thereto, if any, within a week thereof. Both sides would appear before the Tribunal for hearing in the OA on 8 September 2026. Neither side would be entitled to seek adjournment on the said date.

13. As this is a transfer matter, we request the Tribunal to take up the matter on the date fixed by us and hear the parties and pass an order in the OA as expeditiously as possible thereafter.

14. Till the passing of the order by the Tribunal in the OA, the operation of the order of transfer of the petitioner would remain in abeyance.

15. The writ petition is allowed to the aforesaid extent.

C.HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 24, 2026/yg