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

+ W.P.(C) 726/2017

GURU NARAYAN MISHRA Petitioner
Through Mr. Lokesh Kumar, Advocate.

versus

DIRECTOR GENERAL (WORKS) & ORS. Respondent
Through Mr. Manish Mohan, CGSC with Mr.
Shivam Chanana and Ms. Manisha Saroha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **25.01.2017**

Having heard counsel for the petitioner, we are not inclined to interfere with the impugned order by which the petitioner has challenged his transfer from AE Central Secretariat Division, New Delhi to AE (P), NDZ-VIII, New Delhi vide order dated 25th April, 2016.

2. The Tribunal in the impugned order has referred to several judgments, which expound and explain the scope of judicial interference, when an order of transfer is challenged. We are not required to reiterate the ratio, which is clear that the scope is limited

and restricted.

3. The contention of the petitioner is that he has been wrongly transferred from a sensitive post as his name has been included in the “doubtful integrity” list. He submits that the petitioner was proceeded departmentally and exonerated. However, we notice that there a judicial order by which the closure report filed by the Central Bureau of Investigation was rejected. The petitioner has filed a petition before the High Court against the said order and the matter is sub-judice. Thus, there being a judicial order, which still has not been set aside, the respondents have acted and have accordingly transferred the petitioner from the sensitive post to the non-sensitive post. The new posting, it is to be noted, is in Delhi.

4. We will not in this writ petition go into the question of validity of the judicial order passed by the Additional Sessions Judge, rejecting the closure report, as the same is sub-judice and the matter is pending in the proceedings filed by the petitioner under Section 482 of the Code of Criminal Procedure, 1973.

5. The petitioner has separately challenged and questioned his name being included in the “doubtful integrity” list for 2016 vide OA

No.1889/2016. The said OA is still pending and has not been decided. We would not examine the said aspect on merits, except observing and noting the fact.

6. In view of the aforesaid discussion, the writ petition is dismissed, without any order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

JANUARY 25, 2017
NA