

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: December 19, 2017

+ **W.P.(C) 9752/2017, CM Nos.39702-03/2017 & 5595/2017**

ANIL KUMAR AHUJA Petitioner
Through: Mr.M.K.Bhardwaj, Advocate

versus

UNION OF INDIA & ORS Respondents
Through: Mr.Arun Bhardwaj, CGSC for R-1 and R-2
Mr.Gautam Narayan, ASC and
Mr.R.A.Iyer and Ms.Mahamaya
Chatterjee, Advocates for R-4, R-5 and R-6

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

ORAL

1. Learned counsel for the petitioner submits that the transfer order of 17th October, 2017 (*Annexure P-1*) has been partially implemented to the extent that Sh.Surender Singh, Chief Engineer (PWD), Delhi has been transferred to Himachal Pradesh on 7th December, 2017 and now petitioner is to be posted as Chief Engineer (PWD), Delhi. It is pointed out that since respondent-Government of NCT of Delhi had taken time to comply with the order of 17th October, 2017 (*Annexure P-1*) so in the interregnum, petitioner was made to join as Chief Project Manager (Higher Education) by Government of NCT of Delhi which is a post manned by the Superintending Engineer. Learned counsel for respondents No.4 to 6 submits that the post of Chief Project Manager

(Higher Education) is equivalent to that of Chief Engineer and so, the order of 17th October, 2017 (*Annexure P-1*) has been substantially complied with. This is strongly refuted by petitioner's counsel.

2. In view of the aforesaid, I find that the question of equivalence has arisen which touches upon service jurisprudence and is required to be considered by the Tribunal, to ensure strict compliance of transfer order of 17th October, 2017 (*Annexure P-1*). Since petitioner has an effective remedy to approach the Central Administrative Tribunal, Delhi to resolve the equivalence issue and to seek compliance of order (*Annexure P-1*) therefore in the facts and circumstances of this case, this petition be transmitted through special messenger to the Registrar, Central Administrative Tribunal, Delhi for an expeditious decision in this petition. Parties through counsels to appear before Registrar, Central Administrative Tribunal, Delhi on 22nd December, 2017.

3. Needless to say, all the contentions of the parties are left open to be considered by the Central Administrative Tribunal.

4. Dasti.

SUNIL GAUR
(JUDGE)

DECEMBER 19, 2017

mamta