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

+ **W.P.(C) 5187/2019**

YOGESH KUMAR

..... Petitioner

Through: Mr. Suresh Sharma, Adv.

versus

UNION OF INDIA & ORS

..... Respondentw

Through: Mr. Ranvir Singh with Ms. Saakshi
Agrawal, Advs for R-1 to R-4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

14.05.2019

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The petitioner assails the order dated 24.12.2018 and 29.01.2019 passed in O.A. No. 4697/2018 and RA No. 27/2019 preferred in the said Original Application. The Tribunal has dismissed the Original Application by the first order and the Review Application by the second order. The petitioner had preferred the Original Application to assail his transfer vide order dated 17.11.2016 and the relieving order dated 18.11.2016 whereby he was transferred from Delhi to Patna. The petitioner claims that he was not served with the Transfer Order ever since it was issued on 17.11.2016. The tribunal has disbelieved this averment of the petitioner by observing that on the date when he was transferred, on the same day he submitted a leave application and proceeded on leave without obtaining sanction. In fact, the respondent

had initiated proceedings against the petitioner under Rule 14 of the CCS (CCA) Rules on account of his continued unauthorised absence with effect from 18.11.2016.

The petitioner does not dispute the fact that he is in a transferable post. Though, the petitioner claims that the transfer was mala fide, there are no specific, relevant and germane averments to that effect and the averments have not been substantiated by the petitioner.

We do not find any infirmity in the impugned orders and we are not inclined to interfere with the same.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 14, 2019

N.Khanna