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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P. (C) 3011/2020**
AMARJEET SINGH DAGAR Petitioner
Through Ms. Tamali Wad, Advocate.

versus

UNION OF INDIA & ORS. Respondents
Through Mr. Harish Vaidyanathan Shankar,
and Ms. Akanksha Kaul, Advocates.

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

% **ORDER**
28.04.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

CM No.10458/2020

1. Allowed, subject to just exceptions.

W.P. (C) No. 3011/2020 & CM No. 10457/2020

2. At the outset, I have indicated to the counsel for the respondents that ordinarily Ms. Tamali Wad does not appear in my Court and, therefore, if there is any objection to the matter being taken up by me they should indicate now so that the matter can be transferred to another Bench.

2.1 Graciously, Mr. Vaidyanathan and Ms. Kaul indicated that given the peculiar circumstances obtaining today i.e. (COVID-19) and given the fact that the impugned order can be enforced anytime, they would have no objection to the matter being taken by this Court.

3. Issue notice.

3.1 Ms. Kaul accepts notice for the respondents.

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4. With the consent of the learned counsel for the parties, the captioned writ petition is taken up for hearing and final disposal.

5. *Via* this writ petition, a challenge is laid to the order dated 09.04.2020 passed by the CPWD. *Via* this order, the petitioner is sought to be transferred.

6. Ms. Wad, who appears for the petitioner, contends that apart from anything else, there are two difficulties being faced by the petitioner at the moment.

6.1 First, in view of the lockdown operating, he would not be able to join his duty in the transferee State i.e. State of Rajasthan.

6.2 Second, the petitioner is differently-abled.

7. According to Ms. Wad, the petitioner suffers from a hearing impairment. It is Ms. Wad's contention that the disability is in the range of 65%.

7.1 Furthermore, Ms. Wad submits that since the Central Administrative Tribunal (in short "CAT") has stopped its functioning on account of lockdown, the petitioner is unable to take recourse to an alternate remedy.

8. Given the peculiar circumstances, Mr. Vaidyanathan and Ms. Kaul submit that this Court can proceed to pass an order which it deems fit and necessary.

9. Accordingly, the captioned writ petition is disposed of with the following directions:

- (i) The respondents will maintain *status quo* as obtaining today with regard to the impugned order while the lockdown subsists.

(ii) The petitioner will approach the CAT within one week of the lockdown being lifted in National Capital Territory of Delhi and the CAT resuming its functioning.

(iii) Upon the CAT being approached within the timeframe stipulated hereinabove, the CAT will take up the petitioner's matter and pass an appropriate order including, if necessary, an interim order without being burdened by the directions issued today.

10. It is made clear that I have not examined the merits of the matter and the order passed today only takes into account the peculiar circumstances which have been set out hereinabove. Thus, all contentions of parties shall remain open for being advanced before the CAT.

11. Resultantly, CM No.10457/2020 shall stand closed.

RAJIV SHAKDHER, J

APRIL 28, 2020/pmc

[Click here to check corrigendum, if any](#)