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

% *Date of Decision: 22nd September, 2022*

+ W.P.(C) 8308/2020

PRAMOD KUMAR Petitioner

Through: Ms. Aditi Gupta, Advocate.

versus

PAWAN HANS LTD THR CHAIRMAN CUM MANAGING
DIRECTOR AND OTHERS Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

CM APPL. 41929/2022 (under Section 151 of CPC for condonation of delay, by Petitioner)

1. Present application has been preferred on behalf of the Petitioner seeking condonation of delay of 150 days in filing review petition.
2. For the reasons stated in the application, the same is allowed.
3. Delay of 150 days in filing the review petition is condoned.
4. Application stands disposed of.

REVIEW PETITION 240/2022

5. Present Review Petition has been preferred on behalf of the Petitioner seeking review and recall of the judgment dated 05.11.2020, passed by this Court in W.P.(C) 8308/2020.



6. It is sought to be urged in the present review petition that Respondents had misguided this Court into believing that the transfer of the Petitioner to Shimla was *bona fide* and on account of administrative exigency as the Petitioner on account of his expertise and technical knowledge was urgently required. However, as a matter of fact, when the Petitioner reported at Shimla on 12.02.2021, he was made to stay there for two months, without any work as there was no MI-172 Helicopter.

7. It is further submitted that the Petitioner later on learnt that the transfer order was punitive and was based on a complaint made against him by one Shri P.C. Rana. He requested to supply him a copy of the complaint along with CCTV footage and the report of the fact-finding Committee but the same was not given to him and being a punitive transfer order, the same deserves to be quashed by the Court. Ms. Gupta, further submits that had the Respondents not misguided the Court, this Court would have quashed the posting order on grounds of *mala fide* and being a punitive order.

8. I have heard the learned counsel for the Petitioner. This Court notices that in the review petition itself, the Petitioner has averred that he now stands posted to Chandigarh and this fact is not disputed by Ms. Gupta, learned counsel for the Petitioner. Since the Petitioner is no longer posted to Shimla, this Court sees no reason to recall the judgment dated 05.11.2020 on the grounds urged in the review petition. The present posting of the Petitioner is a fresh cause of action, if any, and cannot be gone into in the present review petition.

9. In view of the above, review petition is disposed of, giving liberty to the Petitioner to assail the transfer order, in accordance with law in an appropriate forum.



10. It is made clear that this Court has not gone into the contentions raised in the present review petition and the grounds urged are left open to be raised, if and when the fresh transfer order is challenged by the Petitioner and if so advised.

JYOTI SINGH, J

SEPTEMBER 22, 2022/rk/shivam

