

\$~6

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

+ **W.P.(C) 10874/2020**

NIDHI MALIK

..... Petitioner

Through: Mr. Nikhil Goel,, Advocate with
Mr. Ashutosh Ghade, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Vijay Joshi, Advocate with
Mr. Himanshu Pathak, Advocate
for R-1.
Ms.Madhumita Bhattacharjee,
Advocate for R-2.

%

Date of Decision: 06th January, 2021

CORAM:

**HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE ASHA MENON**

J U D G M E N T

MANMOHAN, J (Oral):

The petition has been heard by way of video conferencing.

C.M.No.34066/2020

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(C) No.10874/2020

1. Present writ petition has been filed with the following prayer:

“1. Allow the present Petition and pass an appropriate writ, order or direction to set aside the

Impugned Order dated 01.12.2020 passed by the Ld. Central Administrative, Principal bench, New Delhi in MA/100/2252/2020;

2. Consequently, direct that the prayer (s) made in the Original Application of the Petitioner as filed before the Ld. CAT, Principal bench, New Delhi be allowed;

3. Consequently, direct the Respondent no. 1 to grant No objection/approval to the Petitioner for transfer of her cadre from West Bengal cadre to AGMUT Cadre and accordingly direct for passing of relieving orders in favour of the petitioner in a time bound manner;

4. Any other relief which this Hon'ble Court may deem fit in the interest of justice."

2. However, after some arguments, learned counsel for petitioner confines his prayer to prayer (ii) made in the OA filed along with M.A. No. 100/2252/2020. The said prayer clause is reproduced hereinbelow:-

(ii.) In the alternative, issue an appropriate order directing the Respondent no. 2 to act on the Application of the Applicant dated 10.08.2020 (Annexure A-18) and grant consent/letter of No objection and consequential relieving order for the Transfer of cadre of the Applicant from West Bengal cadre to AGMUT Cadre;

3. Issue notice.

4. Mr. Vijay Joshi, Advocate accepts notice on behalf of respondent No. 1 and Ms. Madhumita Bhattacharjee, Advocate accepts notice on behalf of respondent No. 2.

5. They state that in view of the limited prayer now sought before this Court, they do not wish to file any counter affidavit.

6. It is pertinent to mention that the Tribunal by way of the impugned order has dismissed the petitioner's O.A. on the ground of delay as far as

challenge to order dated 25th May, 2016 of the respondent No.2 is concerned. However, the petitioner had been given liberty to pursue her fresh application seeking transfer of the cadre.

7. Keeping in view the aforesaid, the present writ petition is disposed of with a direction to the respondent No. 2 to decide the petitioner's second representation dated 10th August, 2020 within eight weeks in accordance with the order dated 06th November, 2019 passed by the Central Administrative Tribunal (CAT), Principal Bench in O.A. 3863/2018 as well as order dated 04th December, 2020 passed by the Central Administrative Tribunal (CAT), Principal Bench in O.A. No. 3579/2019 and the judgment and order dated 03rd February, 2020 passed by this Court in W.P.(C) No. 13444/2020.

8. It is clarified that the dismissal of the petitioner's O.A. on the ground of limitation shall not come in the way of disposal of the petitioner's second representation dated 10th August, 2020. Accordingly, the respondents are directed to decide the petitioner's second representation uninfluenced by the impugned order passed by the CAT.

9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

**JANUARY 06, 2021
KA**