

\$~26 (2021)

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

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Date of decision: 19.07.2021

+ **W.P.(C) 6733/2021**

KESHAV RAM

.....Petitioner

Through: Mr. Arvind Kumar, Mr. Subit Kumar
Singh and Ms. Shashi Kiran Kumari,
Advocates.

versus

EAST CENTRAL RAILWAY AND OTHERSRespondents

Through: Mr. Jagjit Singh, Mr. Preet Singh and
Mr. Vipin Chaudhary, Advocates for
R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE NAJMI WAZIRI

RAJIV SHAKDHER, J.: (ORAL)

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

CM APPL. 21230/2021

1. Allowed, subject to just exceptions.

W.P.(C) 6733/2021 & CM APPL. 21231/2021

2. This is a writ petition directed against the order of the Central Administrative Tribunal (in short 'the Tribunal') dated 30.03.2021.

W.P.(C) 6733/2021

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2.1. Before the Tribunal, the petitioner had assailed the letter of repatriation dated 12.11.2020 (See: Annexure P-5).

2.2. To put it pithily, the petitioner had approached the Tribunal with the grievance that although respondent no. 1, i.e., the parent department had no objection to him being absorbed by the borrowing department, i.e., respondent no. 2, respondent no. 2 had issued the impugned letter of repatriation dated 12.11.2020.

3. The petitioner, in support of his plea also drew attention to the fact that other persons who had been sent on deputation to respondent no. 2 had not been repatriated by the said entity, i.e., respondent no. 2.

4. According to us, the conclusion reached by the Tribunal is correct.

4.1. In our view, once the borrowing department has taken a decision not to absorb and employ a person deployed on deputation, then, the next logical step would be to repatriate such person to his parent department.

5. Mr. Arvind Kumar, who appears for the petitioner, says that the petitioner has lost his wife. Mr. Arvind Kumar says that petitioner's wife expired on 10.05.2021. It is Mr. Arvind Kumar's contention that the petitioner is presently located in Lucknow, and therefore, having regard to his present circumstances, respondent no. 1 should consider posting him in Lucknow and, not move, to have him transferred to Mugalsarai, Delhi.

5.1. Mr. Arvind Kumar makes an impassioned plea for continuation of the petitioner in Lucknow, albeit in service of respondent no.1, as he needs to remain close to the remaining members of his family. We are told that the petitioner has two children, aged 16 years and 18 years.

6. Having regard to the forgoing, while we are not inclined to interfere with the order of the Tribunal, given the position in which the petitioner is placed, respondent no. 1 would do well to consider his plea for locating him in Lucknow.

6.1. Accordingly, the impugned order passed by the Tribunal is sustained. Respondent no. 1 is directed to treat the instant writ petition as a representation and pass suitable order(s) concerning the petitioner's posting.

7. The writ petition is disposed of in the aforesaid terms.

8. Needless to add, the decision on the petitioner's representation will be taken, at the earliest, though, not later than four weeks from today.

RAJIV SHAKDHER, J

NAJMI WAZIRI, J

JULY 19, 2021

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