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

% *Date of decision: 22.12.2021*

+ **W.P.(C) 14804/2021 & CM APPLs. 46628-30/2021**

SHRI RAJESH KUMAR DAHIYA Petitioner
Through : Mr Manjeet Singh Reen, Advocate.

Versus

MINISTRY OF RAILWAYS AND ANR. Respondents
Through : Mr Jagjit Singh with Mr Preet Singh
and Mr Vipin Chaudhary, Advocates.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: (ORAL)

1. Issue notice.
- 1.1. Mr Jagjit Singh accepts notice on behalf of the respondents.
2. With the consent of the counsel for the parties, the writ petition is taken up for hearing and final disposal, at this stage itself.
3. The writ petition is directed against the order dated 26.11.2021, passed by the Central Administrative Tribunal [in short “the Tribunal”] in O.A. No.2644/2021.
- 3.1. Mr Manjeet Singh Reen, who appears on behalf of the petitioner [i.e., the original applicant], says that the petitioner is aggrieved by the fact that neither the main matter nor his interim application, preferred in the main matter, has not been disposed of by the Tribunal.

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3.3. According to the counsel for the petitioner, twice opportunity has been given to the respondents, to file a reply to the interim application, filed on behalf of the petitioner.

3.4. We are informed that the matter was listed on 15.12.2021, which is, the date adverted to in the impugned order. We are told that the matter has, once again, been adjourned to 07.01.2022.

4. To be noted, even according to the counsel for the petitioner, a charge sheet dated 18.02.2021 has been served on the petitioner.

4.1. The respondents intend to effect inter-divisional transfer, *vis-à-vis* the petitioner. Pertinently, if this intention is given effect to, the petitioner would be required to move from Delhi to Ambala Division; this aspect, *inter alia*, is referred to in order dated 08.10.2021, passed by the respondents [post a direction issued by the Tribunal, *vide* order dated 13.04.2021, in OA No. 829/2021].

4.2. According to the petitioner, inter-divisional transfer cannot take place while the charge is being enquired into, by the respondents. This is a legal aspect which the Tribunal will surely consider, while dealing with the O.A. and the interlocutory application, filed by the petitioner.

5. The writ petition is disposed of, with a request to the Tribunal to take up the main matter or at least the interlocutory application on 07.01.2022.

6. In the interregnum, respondents will not take any precipitate steps against the petitioner.

7. Consequently, pending applications shall stand closed.

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8. Parties will act based on the digitally signed copy of the order passed today.

RAJIV SHAKDHER, J.

TALWANT SINGH, J.

DECEMBER 22, 2021/msh

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

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सत्यमेव जयते