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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7726 OF 2021

Sanjay Kumar .. Petitioner
Vs.
Union of India & Ors. .. Respondents

Mr. Rahul Walia for petitioner.
Ms. Anjali Neel Helekar a/w Mr. P. Khosla for
respondents/UoI.

**CORAM: DIPANKAR DATTA, CJ. &
MADHAV J. JAMDAR, J.**

DATE : SEPTEMBER 28, 2022

P.C.:

- 1.** The writ petition has been listed today pursuant to the order dated September 21, 2022.
- 2.** Ms. Helekar, learned advocate for the respondents, submits that since the petitioner has obeyed the order of transfer dated August 3, 2020 and joined the transferred place of posting, nothing would survive for decision by the Central Administrative Tribunal (hereafter "the Tribunal", for short) even if a remand were ordered, as proposed on the earlier occasion.
- 3.** Since the order of transfer is under challenge before the Tribunal in Original Application No. 282 of 2020, we do not consider that a remand would not either be meaningful or effective, particularly having regard to the reasons that we have noted in our earlier order dated September 21, 2022 in regard to the progress of proceedings before the

Tribunal after the original application was initially reserved for judgment on November 11, 2020. If the order of transfer is set aside, consequences thereof would follow.

4. We, accordingly, set aside the order impugned dated October 8, 2021 and remit the original application for fresh consideration by the Tribunal. It is clarified that joining of the petitioner at the transferred place of posting shall abide by the fresh decision of the Tribunal.

5. We encourage the Tribunal to dispose of the original application at an early date.

6. It would be open to the petitioner to approach the Chairman of the Tribunal with a request for placing the original application before a Bench different from the one that had passed the impugned order.

(MADHAV J. JAMDAR, J.)

(CHIEF JUSTICE)

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