



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

% *Date of Decision: July 24, 2023*

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+ **W.P.(C) 9694/2023, CM APPL. 37130/2023**

JITENDRA KUMAR MEENA

..... Petitioner

Through: **Mr. Ashim Shridhar, Advocate.**

versus

ARTI AHUJA & ORS.

..... Respondents

Through: **Mr. Pavan Narang, Sr. Panel Counsel
for UOI with Mr. Gokul Sharma, G.P.,
Mr. Himanshu Sethi & Ms. Aishwarya
Chhabra, Advocates.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO (Oral)

CM APPL. 37130/2023

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

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3. The challenge in this petition is to an order dated March 20, 2023 in C.P. No. 10/2023 in O.A. 2512/2022, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (in short "Tribunal"), whereby the Tribunal has closed the contempt proceedings initiated by the petitioner for non compliance of the order dated November 25, 2022 in O.A. 2512/2022. The O.A. was disposed off with the following directions:

*"a) Impugned Orders dated 11.07.2022 and 25.08.2022 qua
the applicant are quashed and set aside.*

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b) The Competent Authority after taking into consideration 10 points factor may consider passing a fresh Transfer Orders to "Sensitive Post" in respect of applicant keeping in view his preferable choices or any other suitable location and taking into account representation along with the documents preferred by the applicant, by following the principles of justice and also giving an opportunity of personal hearing to the applicant. The said exercise be carried out preferably within 15 day from date of receipt of a certified copy of this order.

c) It is further directed that the applicant, if so advised, shall join his fresh place of posting after 15 days from the date of order passed by the Competent Authority in accordance with law."

4. Pursuant thereto, the respondents had passed an order dated December 27, 2022, transferring the petitioner in terms of its earlier order. In other words, they have maintained the transfer of the petitioner to Portblair.

5. The contention of the learned counsel for the petitioner is that the said order has been passed without considering the directions given by the Tribunal. He do concede to the fact that the petitioner has challenged the order dated December 27, 2022 by filing a fresh O.A. His apprehension is that the Tribunal while considering the fresh O.A., shall be influenced by the order passed in the contempt proceedings, whereby the Tribunal has noted that the respondents have complied with the order dated November 25, 2022.

6. Suffice to state that the Tribunal while considering the O.A. filed by the petitioner challenging the order dated December 27, 2022, shall not be influenced by any observation made by the Tribunal in the order dated March 20, 2022, on merits.



7. The petition is disposed of.

V. KAMESWAR RAO, J.

ANOOP KUMAR MENDIRATTA, J.

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