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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: November 22, 2023

+ W.P.(C) 14971/2023

NIHARIKA SINGH

..... Petitioner

Through: Mr.Devesh Singh and Mr.Joseph,
Advocates.

versus

EMPLOYEES STATE INSURANCE
CORPORATION & ORS.

..... Respondents

Through: Mr.Shlok Chandra, Standing Counsel,
ESIC with Ms.Saumya Pandey,
Advocates.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. No.59814/2023 (*exemption*)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 14971/2023 & CM. APPL. No.59813/2023

1. The challenge in this writ petition is to an order dated November 08, 2023 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('Tribunal', for short) in O.A. No.3495/2023, whereby the Tribunal



while considering the prayer for interim relief has held that it does not find any reason to grant the same in favour of the petitioner.

2. Mr.Devesh Singh, learned counsel for the petitioner states that the petitioner has been transferred to the Regional Office of ESIC at Telangana during mid-academic session. His submission is also that the petitioner has two minor children who are studying and they shall not get admission in any school, there, at this stage of session.

3. On the last date of hearing, Mr.Shlok Chandra appeared for the respondents and sought time to take instructions. As per his instructions, the transfer of the petitioner to Telangana is justified as she has been transferred after 12 years of tenure of service in Delhi, which submission is contested by Mr.Devesh Singh. According to Mr. Singh, there is no concept of tenure posting before 2022. He also states that the request of some officers for posting to nearby places has been acceded to, but a similar request of the petitioner herein has been overlooked.

4. In any case, in the interest of justice, we are of the view that since the transfer of the petitioner is mid- academic session of her children, she shall continue to be posted in Delhi on the present post till March 31, 2024 and shall report to the place of posting at Telangana on April 01, 2024. It goes without saying that if the petitioner has any grievance with regard to the place of posting, she is within her rights to make a representation after joining the place of posting at Telangana, which shall be considered by the respondents in accordance with law.

5. At this stage, Mr.Devesh Singh states that the petitioner is agreeable to the above, as similar reliefs have been given by the respondents in several cases vide Office Order dated November 10, 2023.



6. In view of the above, the present petition is disposed of. The OA filed by the petitioner before the Tribunal has become infructuous and is disposed of as such.

V. KAMESWAR RAO, J.

MANMEET PRITAM SINGH ARORA, J.

NOVEMBER 22, 2023/v