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

- + W.P.(C) 451/2024, CM APPL. 2089/2024 –Stay & CM APPL. 2090/2024 -Ex.
- + W.P.(C) 663/2024, CM APPL. 2995/2024 –Stay & CM APPL. 2996/2024 -Ex.
- + W.P.(C) 665/2024, CM APPL. 2997/2024 –Stay & CM APPL. 2998/2024 -Ex.
- + W.P.(C) 666/2024, CM APPL. 2999/2024 –Stay & CM APPL. 3000/2024 -Ex.
- + W.P.(C) 667/2024, CM APPL. 3001/2024 –Stay & CM APPL. 3002/2024 -Ex.
- + W.P.(C) 668/2024, CM APPL. 3003/2024 –Stay & CM APPL. 3004/2024 -Ex.
- + W.P.(C) 669/2024, CM APPL. 3005/2024 –Stay & CM APPL. 3006/2024 -Ex.
- + W.P.(C) 670/2024, CM APPL. 3007/2024 –Stay & CM APPL. 3008/2024 -Ex.
- + W.P.(C) 671/2024, CM APPL. 3009/2024 –Stay & CM APPL. 3010/2024 -Ex.
- + W.P.(C) 672/2024, CM APPL. 3011/2024 –Stay & CM APPL. 3012/2024 -Ex.
- + W.P.(C) 673/2024, CM APPL. 3013/2024 –Stay & CM APPL. 3014/2024 -Ex.
- + W.P.(C) 674/2024, CM APPL. 3015/2024 –Stay & CM APPL. 3016/2024 -Ex.
- + W.P.(C) 675/2024, CM APPL. 3017/2024 –Stay & CM APPL. 3018/2024 -Ex.
- + W.P.(C) 676/2024, CM APPL. 3019/2024 –Stay & CM APPL. 3020/2024 -Ex.
- + W.P.(C) 730/2024, CM APPL. 3208/2024 –Stay & CM APPL. 3209/2024 -Ex.

EMPLOYEES STATE INSURANCE CORPORATION

..... Petitioner

Through: Mr.Mahesh Srivastava & Mr.Vaibhav
Manu Srivastava, Advs. with Mr.Dinesh Soni,
SSO, ESIC



versus

DR. ROHINI PAKHIDDEY
DR. TANUNG YAYING & ANR.
DR. JITIN KHARBANDA
DR. MANSI ATRI
DR. ANNU NANDA
DR. HARPREET SINGH
DR. VIVEK SHARMA
DR. MEENU MITTAL
DR. BHAWANA TIWARI
DR. KOMAL MAHESHWARI
DR. SUSMITA SAXENA
DR. ARCHANA SOOD
DR. SARITA KANOJIA
DR. UDITA SINGHAL
DR. POONAM SHARMA

..... Respondentss

Through: Mr.Gautam Narayan, Adv.
Mr.Ankur Chibber & Mr.Nikunj Arora, Advs. in
W.P.(C) 663/2024
Mr.Puneet Mittal, Sr. Adv. with Mr.Rupendra
Pratap Singh, Ms.Sakshi Mendiratta & Mr.Deepak
Joshi, Advs. in W.P.(C) 670/2024

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

18.01.2024

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1. The present batch of petitions seeks to assail similar orders passed on 24.05.2023, 31.05.2023 and 02.06.2023 by the learned Central Administrative Tribunal (Tribunal) in different OAs preferred by the respondents. These OAs were filed by the respondents to assail the orders vide which they were transferred from the ESIC Dental College, Rohini, Delhi to ESIC Dental College, Gulbarga, Karnataka



and are still pending consideration.

2. At the very outset, learned counsel for the respondents, who appear on advance notice submit that the writ petitions have been filed in a most mechanical manner without considering the fact that the transfer orders, which are the subject matter of impugned orders in W.P.(C) Nos.663/2024 and 674/2024 already stand recalled by the petitioner itself. In fact, even the O.A. in which the impugned order assailed in W.P.(C) 674/2024, stands withdrawn. They further submit that the petitioner has deliberately not annexed the subsequent orders passed by the learned Tribunal which would show that the matters are being repeatedly adjourned before the learned Tribunal only on account of non-filing of reply by the petitioner. They submit that the matters are next coming up for consideration before the learned Tribunal on 15.02.2024 and therefore pray that the petitioner be directed to file a reply so that the learned Tribunal can take up the matter for consideration on merits on the next date.
3. In response, Mr. Mahesh Srivastava, learned counsel for the petitioner, while not denying that no reply has been filed before the learned Tribunal, submits that once the transfer policy dated 22.06.2022, based on which the transfer orders were passed has not been assailed, the learned Tribunal ought to have rejected the OAs on the very first instance. He, however, does not deny that these matters are next listed before the learned Tribunal on 15.02.2024.
4. Having considered the submissions of the learned counsel for the parties and perused the record, we find that that the petitioner is incorrect in urging that the respondents have not assailed the transfer



policy dated 22.06.2022 before the learned Tribunal. A perusal of the OAs filed by the respondents clearly shows that most of the respondents have, while challenging their transfer orders, specifically assailed the transfer policy. We also find, from copies of the orders handed by the learned counsel for the respondents in Court, that the learned Tribunal being conscious of the fact that transfer orders ought not to be normally interdicted, has been granting short dates in the matter. It, however, appears that the OAs and the respondents' prayer for interim relief could not be taken up for consideration by the learned Tribunal on account of petitioner's failure to file a reply. As noted hereinabove, learned counsel for the petitioner is not in a position to deny that the replies to the OAs have still not been filed. We are also compelled to express our anguish that despite challenging the interim orders passed seven months ago, the petitioner have not even cared to file copies of the subsequent orders passed by the learned Tribunal, which would have enabled this Court to consider as to whether any interference was called for in the writ petitions.

5. In these circumstances, when the petitioner is itself responsible for the delay in adjudication of the prayers for interim relief sought by the respondents, we find absolutely no reason to interfere with the impugned orders, which as noted hereinabove are interim orders. We are also inclined to agree with the submission of the learned counsel for the respondents that the present petitions have been filed in a most mechanical manner, which is evident from the fact that writ petitions have been filed even in cases where the transfer orders assailed before the learned Tribunal already stand withdrawn.



6. In our considered view, the present petitions are therefore a gross abuse of the process of law and, deserve to be dismissed with costs of Rs.10,000/- in each petition. The costs will be paid to the Delhi High Court Staff Welfare Fund [Account no: 15530110074442, IFSC UCBA0001553, UCO Bank, Delhi High Court Branch] within two weeks. A copy of the receipts of payment of costs will be filed with the Registry within three weeks failing which the Registry will place these petitions before the Court with an office note.
7. It is, however, made clear that the dismissal of the present petitions will not come in the way of the petitioner taking all permissible grounds before the learned Tribunal to oppose the OA and the interim relief sought by the respondents.
8. The writ petitions, accordingly, stand dismissed.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

JANUARY 18, 2024

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