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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 3344/2024**  
**DR KRISHNA DEO PRASAD SAHU** ..... Petitioner  
Through: Mr.Rakesh Kumar Singh, Mr.Ashok  
Anand & Mr.Somanatha Padhan, Advs.

versus

**THE UNION OF INDIA & ORS.** ..... Respondents  
Through: Mr.Rakesh Kumar, CGSC with  
Mr.Sunil & Mr.Amit Achary, Advs.

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

**ORDER**

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**05.03.2024**

**CM APPL. 13781/2024**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 3344/2024 & CM APPL. 13780/2024 (additional documents)**

3. The present writ petition under Articles 226 & 227 of the Constitution of India seeks to assail the order dated 07.11.2023 passed by the learned Central Administrative Tribunal (Tribunal) in O.A. No.3314/2023. Vide the impugned order, the learned Tribunal after considering the fact that the petitioner was only pressing his prayer seeking a direction to respondent nos.4 & 5 to consider his case for inter-cadre transfer based on the earlier 'no objection' provided by them, has disposed of the OA by directing the respondents to consider the petitioner's representation dated 20.10.2023 within a period of



four weeks.

4. Today, learned counsel for the petitioner seeks to contend that this OA was in fact, filed for seeking extension of deputation on the basis of the OMs issued by the Department of Personnel and Training (DoPT), which he contends were applicable to the petitioner's case and not for seeking inter-cadre transfer for which a separate original application being O.A. No.3277/2023 has been preferred by the petitioner and is still pending adjudication.
5. We are in fact, surprised to note this plea as we find from the impugned order that before the learned Tribunal, the petitioner had given up his challenge to all the other prayers except to the above noted prayer wherein he had sought directions to respondent nos.4 & 5 to consider his request for inter-cadre transfer. Be that as it may, now that the learned counsel for the petitioner seeks liberty to approach the learned Tribunal by way of a review, the present petition is disposed of by granting liberty to the petitioner to file a review by making it clear that in case, a review petition is filed by the petitioner within 10 days from today, the same will be considered by the learned Tribunal on merits and will not be not dismissed on the ground of delay.
6. At this stage, learned counsel for the petitioner submits that since neither has the petitioner's period of deputation at Jharkhand been extended nor has he been sanctioned any leave beyond 31.12.2023 by the respondents, he would be required to join at his parent cadre at Kerala. He, therefore, prays that the petitioner be granted two weeks' time to join his parent cadre at Kerala.



7. In the peculiar facts and circumstances of this case and taking into account the medical certificates of his two daughters filed by the petitioner, we grant him two weeks time to join his parent cadre at Kerala, we further make it clear that in case, the petitioner, after joining his parent cadre in Kerala, makes a request for grant of leave, his said request will be considered sympathetically by the respondents. Further, if the petitioner joins within the time being granted by this Court, it is expected that the respondents will not take any further action against him on this count and will sanction him leave of the kind permissible in law.
8. The petition along with pending application is, accordingly, disposed of in the aforesaid terms.

**REKHA PALLI, J**

**RAJNISH BHATNAGAR, J**

**MARCH 5, 2024**

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