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

+ **W.P.(C) 6107/2024, CM APPL. 25343-25346/2024**

MANISH KUMAR

..... Petitioner

Through: Ms. Moni Cinmoy, Mr. Rahul Ranjan Verma, Mr. Ajay Tiwari and Mr. Abhinav Akash with petitioner in person.

versus

DELHI METRO RAIL CORPORATION

..... Respondent

Through: Mr. Bala Subramaniam, Sr. Advocate with Mr. VSR Krishna, Mr. V. Shashank Kumar, Advs., Mr. Tarun Kumar, Sr. Legal Asst, Mr. Varun Bagai, DGM and Mr. Iqbal Khan, Manager, Legal

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

01.05.2024

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1. The present petition under Article 226 of the Constitution of India seeks to assail the order dated 03.04.2024 passed by the learned Central Administrative Tribunal in OA No.1350/2024. Vide the impugned order, the learned Tribunal has, while rejecting the petitioner's challenge to the order dated 22.03.2024 where under he has been transferred from Delhi to Mumbai, has directed the respondent to dispose of his representation dated 23.03.2024 within a period of six weeks. We may note at this stage itself that as per the respondents that petitioner has been directed to join as a



Deputy HoD at Mumbai.

2. After some arguments, learned counsel for the petitioner submits that as per the settlement arrived at between the petitioner and his estranged wife before the Apex Court the petitioner is obliged to grant her visitation rights qua his minor daughter once every month which obligation he will not be able to fulfill upon his transfer to Mumbai. He therefore submits on instructions from the petitioner who is present in the Court that instead of pressing the present petition, he will be moving an application seeking appropriate orders for modification of the visitation rights.
3. As prayed for the petition is dismissed as not pressed, leaving it open to the petitioner to approach the Apex Court, if he so deems fit.
4. Needless to state, this Court is not expressing any opinion on the merits of any application as may be moved by the petitioner before the Apex Court.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 1, 2024/So