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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6408/2024 & CM APPL. 26621/2024 -Ex.
CM APPL. 26622/2024 -Stay.
SHANKAR PRASAD TIWARI

..... Petitioner

Through: Mr. K.K. Rai, Sr. Adv. with Mr.
Anshul Rai, Ms. Medha Tandon, Ms Sheoshi
Chatterjee, Mr. Abhimanyu Garg, Mr. Shailesh N.
Pathak, Mr. R.S. Janwa, Mr. Shaurya Ghai, Adv.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Nemo.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
06.05.2024

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1. The present writ petition preferred by the petitioner under Article 226 of the Constitution of India seeks to assail the order dated 30.04.2024 passed by the learned Central Administrative Tribunal (Tribunal) in Original Application (O.A.) No. 1836/2024. Vide the impugned order, the learned Tribunal while issuing notice in the O.A. preferred by the petitioner assailing the Transfer Order dated 22.04.2024, issued by the Director/Estt.(Spl.), Railway Board, has declined to grant any interim relief to the petitioner after considering the respondents' stand that a new incumbent had already joined at the place of petitioner's posting in Delhi.
2. After some arguments, learned senior counsel for the petitioner, on



instructions, seeks leave to withdraw the present petition. He, however, prays that it may be made clear that the joining of the petitioner at Muradabad, in terms of Transfer Order dated 22.04.2024 would be without prejudice to his pleas in the O.A. No. 1836/2024.

3. Having considered the submissions of learned counsel for the petitioner and perused the record, we are of the view that this limited request made by the petitioner deserves to be accepted. Consequently, while dismissing the writ petition along with all pending applications as not pressed, we make it clear that in case the petitioner joins the new station in terms of the Transfer Order dated 22.04.2024, his joining there will be subject to the outcome of his pending O.A. and will not be construed as waiver of his pending challenge to the Transfer Order dated 22.04.2024 by way of O.A. no. 1836/2024.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 6, 2024
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